FEDERAL REGISTER

VOLUME 6 NUMBER 146

Washington, Tuesday, July 29, 1941

The President

EMERGENCY DUE TO DROUGHT—FREE IMPORTATION OF FORAGE FOR LIVESTOCK

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS an unusual lack of rain in the States of New York, Vermont, Massachusetts, and New Hampshire, and to a less extent in other States, has caused an acute shortage of forage for livestock; and

WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 590, 696) provides, in part, as follows:

> Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act, and may authorize the Secretary of the Treasury to permit, under such regulations as the Secretary of the Treasury may prescribe, the importation free of duty of food, clothing, and medical, surgical, and other supplies for use in emergency relief work.:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare an emergency to exist, and do hereby authorize the Secretary of the Treasury to permit until June 30, 1942 (unless before that date it has been determined by the President and declared by his Proclamation that the emergency has terminated), under such regulations and subject to such conditions as he may deem necessary, the importation of such forage for livestock as the Secretary of the Treasury may designate, upon recommendation of the Secretary of Agriculture, free of duty when imported by or directly for the account of any owner of livestock in any drought-affected area designated by the Secretary of Agriculture, or by or directly for the account of any relief organization, not operated for profit, for distribution among distressed owners of livestock in any such drought-affected area, or by or directly for the account of any dealer in forage for sale or distribution among distressed owners of livestock in any such drought-affected area.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25th day of July, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES,
Acting Secretary of State.

[No. 2498]

[F. R. Doc. 41-5431; Filed, July 28, 1941; 10:40 a. m.]

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER No. 8389 OF APRIL 10, 1940, AS AMENDED

By virtue of the authority vested in me by section 5 (b) of the Act of October 6, 1917 (40 Stat. 415), as amended, and by virtue of all other authority vested in me, I, FRANKLIN D. ROOSEVELT, PRESIDENT of the UNITED STATES OF AMERICA, do hereby amend Executive Order No. 8389 of April 10, 1940, as amended,[1] by changing the period at the end of subdivision (j) of Section 3 of such Order to a semi-colon and adding the following new subdivision thereafter:

(k) June 14, 1941—
China, and
Japan.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 26, 1941.

[No. 8832]

[F. R. Doc. 41-5384; Filed, July 26, 1941; 12:08 p. m.]

[1] 6 F.R. 2897.

CONTENTS

THE PRESIDENT

RULES, REGULATIONS, ORDERS

(Continued on next page)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

CONTENTS—Continued

NOTICES

CONTENTS—Continued

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A TRAINING CENTER

CALIFORNIA

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as a training center:

MOUNT DIABLO MERIDIAN

T. 23 S., R. 7 E., sec. 16, lot 3;
T. 24 S., R. 7 E.,
sec. 30, lots 11, 12, SW¼SE¼;
sec. 31, lots 1, 2, SW¼NE¼;
sec. 32, NE¼;
sec. 33, lots 1, 2, 3, 8, SE¼NE¼, W½NE¼, NW¼;
sec. 34, SW¼NE¼, SW¼NW¼, SW¼, NW¼SE¼, S½SE¼;
T. 23 S., R. 8 E.,
sec. 32, lots 4, 5;
sec. 36, lot 4;
T. 24 S., R. 8 E.,
sec. 19, SE¼SW¼;
sec. 30, lots 2, 3, 4, E½W½, SE¼;
sec. 31, lot 1, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
sec. 32, SE¼NW¼, W½NW¼, S½;
sec. 33, SW¼SW¼;
containing 2623.46 acres.

This order shall take precedence over, but shall not rescind or revoke, Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects the above-described lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 24, 1941.

[No. 8830]

[F. R. Doc. 41-5373; Filed, July 25, 1941; 4:09 p. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LAND FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

FLORIDA

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public land be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department for military purposes:

TALLAHASSEE MERIDIAN

T. 6 S., R. 24 E., sec. 18, W½SW¼; containing 80.21 acres.

This order shall take precedence over, but shall not rescind or revoke, Executive Order No. 6964 of February 5, 1935, as amended, so far as such order affects the above-described land.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 24, 1941.

[No. 8831]

[F. R. Doc. 41-5374; Filed, July 25, 1941; 4:09 p. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER II—COMMODITY CREDIT CORPORATION

[1941 C.C.C. Wheat Form 1—Instructions]

PART 218—1941 WHEAT LOANS

INSTRUCTIONS CONCERNING LOANS ON 1941 WHEAT

Correction

The designation of a form appearing in the first line of the first column on page 3128 of the issue for Saturday, June 28, 1941, should be corrected to read "Form E".

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 61—OFFICERS' RESERVE CORPS[1]

§ 61.1 *Age and citizenship requirements in peacetime.* (a) A Reserve officer must at the time of his appointment be a citizen of the United States or a citizen of the Philippine Islands in the military service of the United States, between the ages of 21 and 60 years.

(b) The minimum ages for original appointment will be as follows:

To the grade of—	Years
Second lieutenant (See subparagraph (1) below)	21
First lieutenant (See subparagraph (2) below)	24
Captain (See subparagraphs (3) and (5) below)	28
Major	33
Lieutenant colonel	39
Colonel (See subparagraph (4) below)	46

(1) No appointments in Chaplains and Medical Department (except Medical Administrative Corps) are made in the grade of second lieutenant.

(2) Appointments in the grade of first lieutenant of the Dental, Veterinary, and Medical Corps may be made at the age of 21 years.

(3) No appointments in the Judge Advocate General's Department are made below the grade of captain. No appointments in the Medical Administrative Corps are made above the grade of captain.

(4) No appointments in Chaplains and Military Intelligence are made in the grade of colonel.

[1] §§ 61.1 to 61.7 are superseded.

(5) The minimum age for appointment in the grade of captain in the Adjutant General's Department Reserve will be 30 years.

(c) The maximum ages for appointments (as distinguished from promotions or reappointments made at termination of 5-year period of commission) will be as follows:

Section	Grade					
	2d lt.	1st lt.	Capt.	Maj.	Lt. Col.	Col.
Adjutant General's Department	30	33	37	42	48	55
Air Corps	35	38	42	47	53	60
Cavalry	30	33	37	42	48	55
Chaplains	----	40	44	49	55	----
Chemical Warfare Service	30	33	37	42	48	55
Coast Artillery Corps	30	33	37	42	48	55
Corps of Engineers	30	33	37	42	48	55
Dental Corps	----	35	37	42	48	55
Field Artillery	30	33	37	42	48	55
Finance Department	35	35	37	42	48	55
Infantry	30	33	37	42	48	55
Judge Advocate General's Department	----	----	37	42	48	55
Medical Administrative Corps	30	33	37	----	----	----
Medical Corps	----	35	37	42	48	55
Military Intelligence	30	33	37	42	48	----
Ordnance Department	30	33	37	42	48	55
Quartermaster Corps	30	33	37	42	48	55
Sanitary Corps	----	35	37	42	48	55
Signal Corps	30	33	37	42	48	55
Specialist	35	38	42	47	53	60
Veterinary Corps	----	35	37	42	48	55

In applying these age limits, an applicant who has attained the birthday corresponding to the appropriate age shown above will be ineligible for appointment.*† [Par. 13]

*§§ 61.1 to 61.7, inclusive, issued under authority contained in Sec. 37, 39 Stat. 189, 40 Stat. 73, Sec. 32, 41 Stat. 775, Sec. 2, 42 Stat. 1033, Sec. 3, 43 Stat. 154, 48 Stat. 939; 10 U.S.C. 352, 353.

†These regulations are also contained in AR 140-5, W.D., June 17, 1941. The particular paragraphs of the Army Regulations appear in brackets at the end of sections.

§ 61.2 *Length of appointment.* Appointments in every case will be for a period of 5 years, but an appointment in force at the outbreak of war or made in wartime will continue in force until 6 months after the termination of the war, should the 5-year period covered by the appointment terminate prior to that time.*† [Par. 14]

§ 61.3 *Appointment of civilian officers and employees.* A civilian officer or employee of the United States or of the District of Columbia will not be appointed as a Reserve officer without the consent of the head of the department or service concerned unless permission to accept such appointment has been extended in general terms within which the applicant is included.*† [Par. 16]

§ 61.4 *Appointments; how made.* (a) Appointments in the Officers' Reserve Corps in peacetime will be made exclusively from the eligible classes of persons defined in (c) below. This table shows each class of persons eligible for appointment and sets forth the sections and grades in the Officers' Reserve Corps for which they are eligible and the manner in which their qualifications are determined.

(b) *Appointment above initial grade.* Except where otherwise specifically provided, the examination of an applicant for appointment to a grade higher than the initial grade in any section authorized herein will include the examinations and tests prescribed for promotion to the grade sought, and may, if deemed necessary by the board, include those for promotion to all lower grades.

(c) *Classes of persons; for what eligible; how appointed.*

Classes of persons	For what eligible	How appointed
(1) Former officers of the Army at any time between Apr. 6, 1917, and June 30, 1919; former Regular Army officers; former members of the Officers' Reserve Corps whose appointment was not based on National Guard status; excepting in all cases those officers separated from the Army as a result of their own misconduct or who have been eliminated from the Regular Army under the provisions of sec. 24b, National Defense Act.	In any section in which formerly commissioned and to any grade, except that in the Infantry, Cavalry, Field Artillery, Coast Artillery Corps, and Air Corps, the grade will be restricted to the highest grade held by the applicant during prior commissioned service in the Army. No applicant will be appointed to a grade above first lieutenant unless a vacancy exists under the appropriate peacetime procurement objective for Reserve officers; and provided that where appointment is made to fill such a vacancy, there is no member of the Officers' Reserve Corps within the pertinent promotion area who holds an appropriate Certificate of Capacity for promotion to the existing vacancy.	Upon approved recommendation of an examining board. Immediately upon the appointment of an officer from this class of persons, full credit will be given the officer for promotion under paragraph 31, AR 140-5 for all commissioned service at any time in the Army or in the federally recognized National Guard subsequent to Apr. 6, 1917, or in both, performed under previous commissions in the same grade and section in which appointment is made or in higher grade, excepting for service in the Inactive Reserve or in a status without eligibility for assignment, active duty, or promotion.
(2) Approved graduates of the Reserve Officers' Training Corps.	In appropriate section in lowest grade thereof.	As provided in AR 145-10. (See §§ 62.1 to 62.34)
(3) Approved graduate flying cadets	Air Corps in lowest grade	As provided in AR 615-160. (See §§ 74.6 and 74.7)
(4) Approved graduates of the blue course of the Citizens' Military Training Camps.	In appropriate section in lowest grade thereof.	Upon approved recommendation of an examining board (AR 350-2200). (See § 41.25)

Classes of persons	For what eligible	How appointed
(5) Former members of the officers' Reserve Corps whose appointments were based on Federal recognition in the National Guard under secs. 37 and 38 of the National Defense Act, as amended, prior to the act of June 15, 1933, creating the "National Guard of the United States."	The applicant may be appointed in the same section and in any grade not above the highest held therein by him as a member of the Officers' Reserve Corps in the Army of the United States as defined in sec. 1 of the National Defense Act except that he will not be appointed to a grade above the lowest in the section unless an appropriate vacancy exists under the procurement objective of the War Department and provided there is no member of the Officers' Reserve Corps in the pertinent promotion area holding an appropriate Certificate of Capacity for the existing vacancy, and provided further that he has had, subsequent to Apr. 6, 1917, in the Army or in the federally recognized National Guard, or both, total commissioned service, regardless of grade as follows:	Upon approved recommendation of an examining board. Immediately upon the appointment of an officer from this class of persons, full credit will be given the officer for promotion under paragraph 31, AR 140-5, for all commissioned service at any time in the Army or in the federally recognized National Guard subsequent to Apr. 6, 1917, or in both, performed under previous commissions in the same grade and section in which appointment is made or in higher grade, excepting for service in the Inactive National Guard or Inactive Reserve or in a status without eligibility for assignment, active duty, or promotion, provided that so much of any period of such service as is required to establish eligibility for appointment cannot again be used in establishing eligibility for promotion.
	A total of 3 years' commissioned service for appointment as first lieutenant; a total of 7 years' commissioned service for appointment as captain; a total of 12 years' commissioned service for appointment as major; a total of 18 years' commissioned service for appointment as lieutenant colonel; a total of 25 years' commissioned service for appointment as colonel. For sections in which first lieutenant is the lowest grade, constructive service of 3 years will be allowed in determining the grade for which eligible.	An applicant of this class may accept in lieu of the above an appointment under any of the other classes of persons in which he can qualify.
(6) Former National Guard officers who have not held commissions in the Officers' Reserve Corps based on Federal recognition in the National Guard under secs. 37 and 38 of the National Defense Act, as amended, prior to the act of June 15, 1933, creating the National Guard of the United States.	In appropriate section in lowest grade thereof.	Upon approved recommendation of an examining board. Immediately upon the appointment of an officer from this class, full credit will be given the officer for promotion under paragraph 31, AR 140-5, for all commissioned service at any time in the Army, or in the federally recognized National Guard, subsequent to Apr. 6, 1917, or in both, performed under previous commissions in the same grade and section in which appointment is made, or in higher grade, excepting for service in the Inactive National Guard.
(7) Warrant officers and enlisted men of the Regular Army, the National Guard, and the Enlisted Reserve Corps.	In appropriate section in lowest grade thereof.	Upon approved recommendation of an examining board.
(8) Persons not included in any of the seven preceding classes.	(i) In the following sections only in the lowest grade thereof, Adjutant General's Department, Chaplains, Chemical Warfare Service, Corps of Engineers, Dental Corps, Finance Department, Judge Advocate General's Department, Medical Administrative Corps, Medical Corps, Military Intelligence, Ordnance Department, Quartermaster Corps, Sanitary Corps, Signal Corps, and Veterinary Corps.	Upon approved recommendation of an examining board.
	(ii) In units having affiliated positions, when authorized by the War Department, as part of the Reserve officers' peacetime procurement objective.	Upon recommendation of the proper assignment authorities, subject to current War Department instructions.
(9) Persons of special qualifications and value in industrial mobilization.	For specialist section, only, in grades from second lieutenant to colonel, inclusive. Officers commissioned in the Specialist Reserve under this authority will in general be assigned to duties in connection with industrial mobilization and under the jurisdiction of the appropriate chief of arm or service.	Appointments to this section made only by direction of the Secretary of War or the Under Secretary of War upon consideration of the recommendation from the chief of arm or service concerned.

*† [Par. 19]

§ 61.5 *Applications*—(a) *Applications for appointment.* Applications for appointment as a Reserve officer will be submitted through the corps area commander to The Adjutant General in duplicate on W.D., A.G.O. Form No. 170 (Application for Appointment and Statement of Preferences for Reserve Officers), accompanied by such information as the applicant may care to submit.

(b) *Report of physical examination to accompany.* Applications will be accompanied by report of physical examination of the scope prescribed by current War Department instructions.

(c) *Approval of applications.* Corps area commanders will approve or disapprove applications submitted, and in case of approval will, in cases where examination is prescribed, refer the application to an examining board which will examine the applicant.

(d) *Examinations.* Examinations of applicants will be held as soon as practicable after approval of applications and at stations or places as near as practicable to the place of residence of the applicant.*† [Par. 20]

§ 61.6 *Appearance of applicant before board.* Whenever examinations are held, the appearance of the applicant before the board will be required.* † [Par. 22]

§ 61.7 *Action by The Adjutant General.* Upon receipt of the report of the examining board recommending appointment, The Adjutant General will accomplish the appointment or take other appropriate action.*† [Par. 24]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F .R. Doc. 41-5418; Filed, July 28, 1941; 10:05 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 2047]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MODERN HAT WORKS

§ 3.69 (b) (1) *Misrepresenting oneself and goods—Goods—Composition:* § 3.69 (b) (9) *Misrepresenting oneself and goods—Goods—Old, secondhand or reconstructed as new—Old and used as unused or new:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old and used as unused or new.* Representing, in connection with offer, etc., in commerce, of hats, (1) that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp on the sweatbands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweatbands, a statement that said products are composed of second-hand or used materials (e. g., "Second-Hand," "Used" or "Made-Over"); and (2) in any manner, that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials; prohibited; subject to the provision, however, that if sweatbands are not affixed to such hats then such stamping must appear on the bodies thereof in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 114; 15 U.S.C., Supp. IV, sec. 45i) [Modified cease and desist order,

Modern Hat Works, Docket 2047, July 3, 1941]

In the Matter of Jacob Schachnow, an Individual, Trading as Modern Hat Works

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of July, A. D. 1941.

This proceeding coming on for further hearing before the Federal Trade Commission and it appearing that on November 2, 1940, the Commission made its findings as to the facts and concluded therefrom that the respondent had violated the provisions of the Federal Trade Commission Act and issued and subsequently served its order to cease and desist;[1] and it further appearing that on April 2, 1941, the United States Circuit Court of Appeals for the Third Circuit issued its decree modifying the aforesaid order of the Commission and directed the Commission to modify its aforesaid order to cease and desist in accordance with said decree;

Now, therefore, pursuant to the provisions of subsection (i) of section 5 of the Federal Trade Commission Act the Commission issues this its modified order to cease and desist in conformity with said court decree.

It is ordered, That respondent Jacob Schachnow, an individual trading as Modern Hat Works, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of hats in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that hats composed in whole or in part of used or second-hand materials, are new or are composed of new materials by failure to stamp on the sweatbands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweatbands, a statement that said products are composed of second-hand or used materials (e. g., "Second-Hand," "Used" or "Made-Over"), provided that if sweatbands are not affixed to such hats then such stamping must appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies.

(2) Representing in any manner that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-5439; Filed, July 28, 1941; 11:26 a. m.]

[1] 5 F.R. 4481.

[Docket No. 3931]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF HOLLYWOOD RACKET MANUFACTURING COMPANY, INC.

§ 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Foreign product as domestic:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Imported product or parts as domestic:* § 3.69 (b) (16) *Misrepresenting oneself and goods—Goods—Source or origin—Place—Imported product or parts as domestic:* § 3.71 (b) *Neglecting, unfairly or deceptively, to make material disclosure—Imported product or parts as domestic:* § 3.96 (a) (9) *Using misleading name—Goods—Source or origin—Place—Foreign product as domestic.* In connection with offer, etc., in commerce, of tennis, badminton, and squash rackets, (1) using the name "Hollywood Racket Mfg. Co." or any other name of similar import or meaning on labels or in advertising of tennis, badminton, or squash rackets or other similar products, without clearly disclosing the foreign origin of such products; and (2) representing, in any manner whatsoever, that respondent's products are made in the United States when, in fact, such products are manufactured in whole or in part in Japan or any other foreign country; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Hollywood Racket Manufacturing Company, Inc., Docket 3931, July 11, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of July, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and the report of the trial examiners thereon, briefs filed herein and oral argument before the Commission, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Hollywood Racket Manufacturing Company, Inc., a corporation, its officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of tennis, badminton, and squash rackets in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the name "Hollywood Racket Mfg. Co." or any other name of similar import or meaning on labels or in advertising of tennis, badminton, or squash rackets or other similar products, without clearly disclosing the foreign origin of such products;

(2) Representing, in any manner whatsoever, that respondent's products are made in the United States when, in fact, such products are manufactured in whole or in part in Japan or any other foreign country.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-5436; Filed, July 28, 1941; 11:25 a. m.]

[1] 4 F.R. 4756.

[Docket No. 4325]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MOTOR TIRE RETREAD COMPANY, INC., ET AL.

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.6 (w) *Advertising falsely or misleadingly—Refunds, repairs and replacements:* § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.69 (b) (2.5) *Misrepresenting oneself and goods—Goods—Earnings:* § 3.69 (b) (15) *Misrepresenting oneself and goods—Goods—Refunds:* § 3.69 (b) (16.4) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.72 (c) *Offering deceptive inducements to purchase — Earnings:* § 3.72 (k15) *Offering deceptive inducements to purchase—Returns and reimbursements:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.80 (c) *Securing agents or representatives falsely or misleadingly—Earnings:* § 3.80 (i) *Securing agents or representatives falsely or misleadingly—Terms and conditions.* In connection with offer, etc., in commerce, of retreaded or recapped automobile, truck, and bus tires, and among other things, as in order set forth, representing (1) that any specified commissions or bonuses are paid salesmen for the sale of respondents' products in excess of those actually paid, and (2) that repayment will be made to salesmen for expenses arising in soliciting business or that refund of deposit for sample kit will be made unless said repayments and refunds are actually made, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Motor Tire Retread Company, Inc., et al., Docket 4325, July 12, 1941]

§ 3.6 (a10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (y5) *Advertising falsely or misleadingly—Sample, offer or order conformance:* § 3.69 (b) (.1) *Misrepresenting oneself and goods—Goods—Comparative data or merits:* § 3.69 (b) (8) *Misrepresenting oneself and goods—Goods—Nature:* § 3.69 (b) (12) *Misrepresenting oneself and goods—Goods—Qualities or properties:* § 3.69 (b) (15.5) *Misrepresenting oneself and goods—Goods—Sample, offer or order conformance:* § 3.72 (m10) *Offering deceptive inducements to purchase—Sample, offer or order conformance.* In connection with offer, etc., in commerce, of retreaded or recapped automobile, truck, and bus tires, and among other things, as in order set forth, (1) exhibiting to customers or prospective customers as representative of tires sold or offered for sale samples of recapped or retreaded tires which are substantially superior in quality to tires actually delivered; (2) shipping tires that are not the same quality, size, make, or kind as those ordered; and (3) representing that tires which are not suitable for the purpose for which they are advertised are suitable for such purposes, or that respondents' tires give service at a lower cost per mile than new tires, when such is not the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Motor Tire Retread Company, Inc., et al., Docket 4325, July 12, 1941]

§ 3.6 (c5) *Advertising falsely or misleadingly—Condition of goods:* § 3.6 (j10) *Advertising falsely or misleadingly—History of product or offering:* § 3.69 (b) (1.3) *Misrepresenting oneself and goods—Goods—Condition of goods:* § 3.69 (b) (5.5) *Misrepresenting oneself and goods—Goods—History of product.* In connection with offer, etc., in commerce, of retreaded or recapped automobile, truck, and bus tires, and among other things, as in order set forth, representing that the carcasses of retreaded or recapped tires are less than any stated age or that tires repaired with boots or patches are not so repaired, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Motor Tire Retread Company, Inc., et al., Docket 4325, July 12, 1941]

§ 3.6 (a) (11) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Identity:* § 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer:* § 3.69 (a) (7.4) *Misrepresenting oneself and goods—Business status, advantages or connections—Identity:* § 3.69 (a) (11.7) *Misrepresenting oneself and goods—Business status, advantages or connections—Producer status of dealer:* § 3.96 (b) (2) *Using misleading name—Vendor—Identity.* In connection with offer, etc., in commerce, of retreaded or recapped automobile, truck, and bus tires and among other things, as in order set forth, representing (1) that respondents manufacture the retreaded or recapped tires sold or offered for sale by them; and (2) that the business carried on under trade names has no connection with and is not a part of the business of respondents or with the business of respondents carried on under other trade names; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Motor Tire Retread Company, Inc., et al., Docket 4325, July 12, 1941]

§ 3.6 (h) *Advertising falsely or misleadingly—Fictitious or misleading guarantees:* § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.69 (b) (16.4) *Misrepresenting oneself and goods—Goods—Terms and conditions:* §3.69 (b) (16.6) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.72 (k5) *Offering deceptive inducements to purchase—Repair or replacement guarantee:* § 3.72 (n10) *Offering deceptive inducements to purchase — Terms and conditions.* In connection with offer, etc., in commerce, of retreaded or recapped automobile, truck, and bus tires, and among other things, as in order set forth, representing (1) that tires will be shipped to purchasers on consignment when such is not the fact; (2) that tires are sold under a warranty against defects unless all the terms and conditions of such warranty are strictly complied with; and (3) that tires ordered by purchasers will be shipped from any point other than the actual point of shipment; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Motor Tire Retread Company, Inc., et al., Docket 4325, July 12, 1941]

In the Matter of Motor Tire Retread Company, Inc., a Corporation; Benjamin Duchen, Lillian Hollowich, and John M. Weiner, Individually and as Officers and Directors of Motor Tire Retread Company, Inc., Also Trading as Nation Wide Tire Company, Central Tire and Retreading Exchange, Standard Brand Retread Tire Company, Zephyr Tire Company, and Retread Tire Distributors

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of July, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents Motor Tire Retread Company, Inc., a corporation, and Benjamin Duchen, individually and as an officer and director of the said corporate respondent, in which answer said respondents admit all the material allegations of fact set forth in said complaint and waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents Motor Tire Retread Company, Inc., a corporation, trading as Nation Wide Tire Company, Central Tire and Retreading Exchange, Standard Brand Retread Tire Company, Zephyr Tire Company, or trading under any other name or names, its officers, representatives, agents, and employees, and Benjamin Duchen, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of retreaded or recapped automobile, truck, and bus tires in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that any specified commissions or bonuses are paid salesmen for the sale of respondents' products in excess of those actually paid;

(2) Representing that repayment will be made to salesmen for expenses arising in soliciting business or that refund of deposit for sample kit will be made unless said repayments and refunds are actually made;

(3) Exhibiting to customers or prospective customers as representatives of tires sold or offered for sale samples of recapped or retreaded tires which are substantially superior in quality to tires actually delivered;

(4) Shipping tires that are not the same quality, size, make, or kind as those ordered;

(5) Representing that the carcasses of retreaded or recapped tires are less than any stated age or that tires repaired with boots or patches are not so repaired;

(6) Representing that respondents manufacture the retreaded or recapped tires sold or offered for sale by them;

(7) Representing that tires will be shipped to purchasers on consignment when such is not the fact;

(8) Representing that tires are sold under a warranty against defects unless all the terms and conditions of such warranty are strictly complied with;

(9) Representing that tires ordered by purchasers will be shipped from any point other than the actual point of shipment;

(10) Representing that tires which are not suitable for the purpose for which they are advertised are suitable for such purposes, or that respondent's tires give service at a lower cost per mile than new tires, when such is not the fact;

(11) Representing that the business carried on under trade names has no connection with and is not a part of the business of respondents or with the busi-

[1] 6 F.R. 1328.

ness of respondents carried on under other trade names.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That this proceeding be, and the same hereby is, closed as to the respondents Lillian Hollowich and John M. Weiner, without prejudice to the right of the Commission, should future facts so warrant, to reopen the same and to proceed thereon in accordance with its regular procedure.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-5437; Filed, July 28, 1941; 11:25 a. m.]

[Docket No. 4479]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF BENGOR PRODUCTS COMPANY, ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* Disseminating, etc., in connection with offer, etc., of respondents' two medicinal preparations designated as Dupree Pills or Dr. Gordon's Single Strength Pills, and as Dupree Pills Double Strength or Dr. Gordon's Double Strength Pills, or any other substantially similar preparation, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparations, which advertisements represent, directly or through inference, that respondents' said preparations constitute a competent and effective treatment for amenorrhea or dysmenorrhea, or that they are safe and harmless; or which advertisements fail to reveal that the use of said preparations may result in gastro-intestinal disturbances with pelvic congestion and congestion of the uterus leading to excessive uterine hemorrhage and that the use thereof in cases of pregnancy may result in uterine infection extending to other pelvic and abdominal structures and to the blood stream causing septicemia or blood poisoning; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Bengor Products Company, etc., Docket 4479, July 10, 1941]

In the Matter of Ben Gordon (Also Known as Benjamin Gordon) and Louis Gordon, Trading as Bengor Products Company and as Golf Products Company

At a regular session of the Federal Trade Commission, held at its office on the City of Washington, D. C., on the 10th day of July, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state they they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Ben Gordon (also known as Benjamin Gordon) and Louis Gordon, trading as Bengor Products Company and as Golf Products Company, or trading under any other name or names, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their two medicinal preparations, the one designated as Dupree Pills and as Dr. Gordon's Single Strength Pills, the other as Dupree Pills Double Strength and as Dr. Gordon's Double Strength Pills, or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that respondents' said preparations constitute a competent and effective treatment for amenorrhea or dysmenorrhea; or that said preparations are safe and harmless; or which advertisement fails to reveal that the use of said preparations may result in gastro-intestinal disturbances with pelvic congestion and congestion of the uterus leading to excessive uterine hemorrhage and that the use of said preparations in cases of pregnancy may result in uterine infection extending to other pelvic and abdominal structures and to the blood stream causing septicemia or blood poisoning.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations, which advertisement contains any of the representations prohibited in paragraph 1 hereof, or which advertisement fails to reveal that the use of said preparations may result in gastro-intestinal disturbances with pelvic congestion and congestion of the uterus leading to excessive uterine hemorrhage and that the use of said preparations in cases of pregnancy may result in uterine infection extending to other pelvic and abdominal structures and to the blood stream causing septicemia or blood poisoning.

It is further ordered, That the respondents shall, within ten (10) days after service upon them of this order, file with the Commission an interim report in writing stating whether they intend to comply with this order, and, if so, the manner and form in which they intend to comply; and that within sixty (60) days after the service upon them of this order, said respondents shall file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-5438; Filed, July 28, 1941; 11:25 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-546]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER OF THE ACTING DIRECTOR GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF TENNESSEE CONSOLIDATED COAL COMPANY, A CODE MEMBER PRODUCER IN SUBDISTRICT NO. 3 OF DISTRICT NO. 13, FOR A CHANGE IN THE EFFECTIVE MINIMUM PRICES FOR LOCOMOTIVE FUEL FOR RAIL SHIPMENT TO LANETTE, ALABAMA, MARKET AREA NO. 132

An original petition having been filed with the Bituminous Coal Division on January 4, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Tennessee Consolidated Coal Company, a code member in District No. 13, requesting a 6 cent reduction in the effective minimum prices established for locomotive fuel for rail shipment to Lanette, Alabama, in Market Area No. 132, and

An informal conference having been held concerning this matter on February 5, 1941; temporary relief thereupon having been granted pursuant to an Order of the Director dated February 18, 1941, 6 F.R. 1088, and

Pursuant to the same Order of the Director, a hearing in this matter having

been held on March 31, 1941, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C., before a duly designated Examiner thereof, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and

The preparation and filing of a report by the Examiner having been waived, the matter thereupon being submitted to the Director, and

The Acting Director having made Findings of Fact, Conclusions of Law, and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That §333.25 (*Special prices*—(b) *Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*) in the Schedule of Effective Minimum Prices for District No. 13 for All Shipments except Truck should be amended as follows:

The following footnote shall be inserted in §333.25 (b) in the Schedule of Effective Minimum Prices for District No. 13 For All Shipments except Truck:

NOTE.—Exception. Mine Index No. 93 may reduce the above prices on all sizes except screenings by 6 cents when for shipment to the Chattahoochee Valley Railroad Company at Lanette, Alabama, Market Area No. 132. Mine Index Nos. 94 and 96 may reduce the above prices on all sizes except screenings by 1 cent when for shipment to the Chattahoochee Valley Railroad Company at Lanette, Alabama, Market Area No. 132.

Dated: July 25, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5430; Filed, July 28, 1941; 10:21 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 130—REGULATIONS RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, PAYMENTS, AND THE EXPORT OR WITHDRAWAL OF COIN, BULLION AND CURRENCY; AND TO REPORTS OF FOREIGN PROPERTY INTERESTS IN THE UNITED STATES

AMENDMENT TO REGULATIONS[1]

JULY 26, 1941.

The Regulations of April 10, 1940, as amended (§§ 130.1 to 130.7) are hereby amended so that reports on Form TFR-300 shall be filed with respect to all property subject to the jurisdiction of the United States on the opening of business on July 26, 1941, as well as with respect to all property subject to the jurisdiction of the United States on the opening of business on June 1, 1940, and with respect to all property subject to the jurisdiction of the United States on the opening of business on June 14, 1941, in which on the respective dates China or Japan or any national thereof had any interest of any nature whatsoever, direct or indirect. Such reports shall be filed by the persons specified in § 130.4 of the Regulations and in the manner prescribed in the Regulations.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

Approved:

FRANKLIN D ROOSEVELT

[F. R. Doc. 41-5385; Filed, July 26, 1941; 12:08 p. m.]

[1] Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941.

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 13, AS AMENDED, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JULY 26, 1941.

§ 131.13 *General License No. 13,* is amended by deleting the following offices therefrom:

(a) the Kobe, Shanghai and Amoy offices of the Nederlandsch Indische Handelsbank;

(b) the Kobe and Shanghai offices of the Nederlandsche Handel Maatschappij.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-5386; Filed, July 26, 1941; 12:08 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 54 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JULY 26, 1941.

§ 131.54 *General License No. 54.* A general license is hereby granted licensing any transaction which is prohibited by the Order solely by reason of the fact that it involves property in which China or Japan, or any national thereof, has at any time prior to July 26, 1941, but not on or since July 26, 1941, had any interest.

This general license shall not be deemed to authorize any transaction, if (a) such transaction is by, or on behalf of, or pursuant to the direction of China or Japan, or any national thereof, or (b) such transaction involves property in which China or Japan, or any national thereof, has at any time on or since July 26, 1941, had any interest.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-5387; Filed, July 26, 1941; 12:08 p. m.]

[1] Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 55 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JULY 26, 1941.

§ 131.55 *General License No. 55.* (a) A general license is hereby granted authorizing any banking institution within the United States to make payments from blocked accounts of China or Japan, or any national thereof:

(1) Of checks and drafts drawn or issued prior to July 26, 1941, and to accept and pay and debit to such accounts drafts drawn prior to July 26, 1941, under letters of credit provided:

(i) The amount involved in any one payment, acceptance, or debit does not exceed $500; or

(ii) The amount involved in any one payment, acceptance, or debit does not exceed $10,000 and the check or draft was within the United States in process of collection on or prior to July 26, 1941; and

(2) Of documentary drafts drawn under irrevocable letters of credit issued or confirmed by a domestic bank prior to July 26, 1941.

(b) This general license shall not be deemed to authorize any payment to a blocked country, or national thereof, except payments into a blocked account in a domestic bank unless such foreign country or national is otherwise licensed to receive such payments.

(c) Banking institutions making any payment or debit authorized by this general license shall file promptly with the appropriate Federal Reserve Bank weekly reports showing the details of such transactions.

(d) This license shall expire at the close of business on August 26, 1941.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-5388, Filed, July 26, 1941; 12:09 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 56 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JULY 26, 1941.

§ 131.56 *General License No. 56.* (a) A general license is hereby granted licensing any partnership, association, corporation or other organization engaged in commercial activities within the Territory of Hawaii and which is a national of China or Japan, to engage in all transactions ordinarily incidental to the normal conduct of its business activities within the Territory of Hawaii, *Provided, however,* That this general license shall not authorize:

(1) Any transaction which could not be effected without a license if such organization were not a national of any blocked country; or

(2) Any payment, transfer or withdrawal from any blocked account in any banking institution within any part of the United States other than the Territory of Hawaii.

(b) Any organization engaging in business pursuant to this general license shall not engage in any transaction, pursuant to this general license or any other general license, which, directly or indirectly, substantially diminishes or imperils the assets of such organization within the Territory of Hawaii or otherwise prejudicially affects the financial position of such organization within the Territory of Hawaii.

(c) Any such organization shall file with the Governor of the Territory of Hawaii, within sixty days after the date hereof, an affidavit on Form TFBE–1 setting forth the data called for in such form. Any organization not complying with this requirement is not authorized to engage in any transaction under this general license.

(d) Any bank effecting any payment, transfer or withdrawal pursuant to this general license shall satisfy itself that such payment, transfer or withdrawal is being made pursuant to the terms and conditions of this general license.

(e) Any organization engaging in business pursuant to this general license shall file monthly reports in triplicate with the Governor of the Territory of Hawaii setting forth the details of the transactions engaged in by it during the reporting period. Such report shall indicate receipts and expenditures classified into general categories by source, payee and purpose.

[SEAL] E. H. FOLEY, Jr.
Acting Secretary of the Treasury.

[F. R. Doc. 41–5389; Filed, July 26, 1941; 12:09 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS PURSUANT THERETO.

GENERAL LICENSE NO. 57 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JULY 26, 1941.

§ 131.57 *General License No. 57.* The British Crown Colony of Hongkong is not a part of China within the meaning of the Order.

By reason of the large number of nationals of blocked countries within Hongkong and its inter-relation with the Chinese economy, a general license is hereby granted extending the privileges of all general licenses to Hongkong to the same extent as though Hongkong were a part of China.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41–5390; Filed, July 26, 1941; 12:09 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 58 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JULY 26, 1941.

§ 131.58 *General License No. 58.* (a) A general license is hereby granted licensing all transactions ordinarily incident to the importing and exporting of goods, wares and merchandise between the United States and any part of China other than Manchuria, *Provided,* The following terms and conditions are complied with:

(1) Such transaction is not by, or on behalf of, or pursuant to the direction of (i) any blocked country other than China, or (ii) any person within Manchuria, or (iii) any national of any blocked country other than China unless such national is within China;

(2) Such transaction does not involve property in which (i) any blocked country other than China, or (ii) any person within Manchuria, or (iii) any national of any blocked country other than China unless such national is within China, has at any time on or since the effective date of the Order had any interest; and

(3) Any banking institution within the United States, prior to issuing, confirming or advising letters of credit, or accepting or paying drafts drawn, or reimbursing themselves for payments made, under letters of credit, or making any other payment or transfer of credit, in connection with any importation or exportation pursuant to this general license, or engaging in any other transaction herein authorized, shall satisfy itself (from the shipping documents or otherwise) that:

(i) any such transaction is incident to a bona fide importation or exportation and is customary in the normal course of business, and that the value of such importation or exportation reasonably corresponds with the sums of money involved in financing such transaction; and (ii) such importation or exportation is or will be made pursuant to all the terms and conditions of this license.

(b) Banking institutions within the United States engaging in any transactions authorized by this general license shall file promptly with the appropriate Federal Reserve Bank monthly reports setting forth the details of such transactions during such period, including appropriate identification of the accounts which are debited or credited in connection with any such transaction.

(c) As used in this general license a person shall not be deemed to be "within China" unless such person was situated within and doing business within China on and since June 14, 1941.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41–5391, Filed, July 26, 1941; 12:09 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 59 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JULY 26, 1941.

§ 131.59 *General License No. 59.* (a) A general license is hereby granted licensing the offices within China of the following as generally licensed nationals:

(1) The Chase Bank.
(2) National City Bank of New York.
(3) Underwriters Savings Bank.
(4) American Express Company.
(5) Moscow Narodny Bank, Ltd.
(6) Thos. Cook & Son (Bankers) Ltd.
(7) Hongkong & Shanghai Banking Corporation.
(8) Mercantile Bank of India, Ltd.
(9) David Sassoon & Co., Ltd.
(10) E. D. Sassoon & Co., Ltd.
(11) E. D. Sassoon Banking Co., Ltd.
(12) Chartered Bank of India, Australia & China, Ltd.

---

[1] Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

(13) Nederlandsch Indische Handelsbank.

(14) Nederlandsche Handel Maatschappij.

(b) This general license shall also authorize any such office of any such banking institution to finance imports and exports, and transactions ordinarily incidental thereto, between any part of China except Manchuria and any of the following:

(1) The United States.

(2) The American Republics (as defined in General License No. 53).

(3) The British Commonwealth of Nations.

(4) The Union of Soviet Socialist Republics.

(5) The Netherlands East Indies;

Provided, however, That this authorization shall not be deemed to permit any payment, transfer or withdrawal from any blocked account; *And provided further,* That any such office of any such bank, prior to issuing, confirming or advising letters of credit, or accepting or paying drafts drawn, or reimbursing themselves for payments made under letters of credit, or making any other payment or transfer of credit, in connection with any importation or exportation pursuant to this general license, or engaging in any other transaction herein authorized, shall satisfy itself (from the shipping documents or otherwise) that: (i) any such transaction is incident to a bona fide importation or exportation and is customary in the normal course of business, and that the value of such importation or exportation reasonably corresponds with the sums of money involved in financing such transaction; and (ii) such importation or exportation is or will be made pursuant to all the terms and conditions of this license.

(c) This general license shall not be deemed to authorize any transaction by, or on behalf of, or pursuant to the direction of any person whose name appears on "The Proclaimed List of Certain Blocked Nationals" or involving property in which any such person has at any time on or since the effective date of the Order had any interest.

(d) Banking institutions within the United States making any payment, transfer or withdrawal from the accounts of any such office of the aforementioned banking institutions shall file promptly with the appropriate Federal Reserve Bank monthly reports setting forth the details of such transactions during such period.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-5392; Filed, July 26, 1941; 12:09 p. m.]

[1] Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 60 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JULY 26, 1941.

§ 131.60 *General License No. 60.* (a) A general license is hereby granted licensing the National Government of the Republic of China and the Central Bank of China as generally licensed nationals.

(b) Any transaction engaged in by such government or such bank pursuant to the order of or for the account of any person within China is also hereby authorized to the same extent, and under the same circumstances, as though such transactions were solely for the account of such government or such bank; *Provided, however,* That this authorization shall not be deemed to permit any payment, transfer or withdrawal from any blocked account except as provided in paragraph (c) of this general license.

(c) This general license shall also authorize any payment or transfer of credit or transfer of securities from any blocked account in which any national of China has an interest to an account in a domestic bank in the name of such government or such bank: *Provided,* No other blocked country or any national thereof has an interest, or has had an interest in such blocked account at any time on or since the effective date of the Order.

(d) Banking institutions within the United States making any payment, transfer or withdrawal from the accounts of such government or such bank or from any blocked account referred to in paragraph (c) shall file promptly with the appropriate Federal Reserve Bank monthly reports setting forth the details of such transactions during such period.

(e) The term "generally licensed national" as applied to the National Government of the Republic of China shall mean that such government may be regarded as though China were not a blocked country, and all persons to the extent that they are acting for or on behalf of such government may be regarded as generally licensed nationals.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-5393, Filed, July 26, 1941; 12:10 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 61 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JULY 26, 1941.

§ 131.61 General License No. 61. (a) A general license is hereby granted licensing the offices outside the United States and not within any blocked country other than China of the following Chineses banks as generally licensed nationals:

(1) The Bank of China;

(2) The Bank of Communications; and

(3) The Farmers Bank.

Any transaction engaged in by any such office of any such bank pursuant to the order of or for the account of any person not within any blocked country is also hereby authorized to the same extent, and under the same circumstances, as though such transaction were solely for the account of such office of such bank: *Provided, however,* That this authorization shall not be deemed to permit any payment, transfer or withdrawal from any blocked account.

(b) This general license shall also authorize any such office of any such banking institution to finance imports and exports, and transactions ordinarily incidental thereto, between any part of China except Manchuria and any of the following:

(1) The United States

(2) The American Republics (as defined in General License No. 53)

(3) The British Commonwealth of Nations

(4) The Union of Soviet Socialist Republics

(5) The Netherlands East Indies;

Provided, however, That this authorization shall not be deemed to permit any payment, transfer or withdrawal from any blocked account: *And provided further,* That any such office of any such bank, prior to issuing, confirming or advising letters of credit, or accepting or paying drafts drawn, or reimbursing themselves for payments made, under letters of credit, or making any other payment or transfer of credit, in connection with any importation or exportation pursuant to this general license, or engaging in any other transaction herein authorized, shall satisfy itself (from the shipping documents or otherwise) that: (i) any such transaction is incident to a bona fide importation or exportation and is customary in the normal course of business, and that the value of such importation or exportation reasonably corresponds with the sums of money involved in financing such transaction; and (ii) such importation or exportation is or will be made pursuant to all the terms and conditions of this license.

(c) This general license shall not be deemed to authorize any transaction by, or on behalf of, or pursuant to the direction of any person whose name appears on "The Proclaimed List of Certain Blocked Nationals" or involving property in which any such person has at any time on or since the effective date of the Order had any interest.

(d) Banking institutions within the United States making any payment, transfer or withdrawal from the accounts of any such office of the aforementioned

banks shall file promptly with the appropriate Federal Reserve Bank monthly reports setting forth the details of such transactions during such period.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-5394; Filed, July 26, 1941; 12:10 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 62 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JULY 26, 1941.

§ 131.62 *General License No. 62.* (a) A general license is hereby granted licensing as generally licensed nationals:

(1) China Defense Supplies, Inc., 1601 V Street NW., Washington, D. C.;

(2) The Universal Trading Corporation, 630 Fifth Avenue, New York, New York; and

(3) The New York office of the Bank of China.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-5395; Filed, July 26, 1941; 12:10 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 63 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JULY 26, 1941.

§ 131.63 *General License No. 63.* A general license is hereby granted licensing as generally licensed nationals the offices in the Philippine Islands of:

(a) The China Banking Corporation;

(b) The Philippine Bank of Communications;

(c) The Yokohama Specie Bank, Ltd.; and

(d) The Bank of Taiwan.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-5396; Filed, July 26, 1941; 12:10 p. m.]

---

[1] Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 64 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JULY 26, 1941.

§ 131.64 *General License No. 64.* (a) A general license is hereby granted licensing all transactions ordinarily incident to the importing and exporting of goods, wares and merchandise between the Philippine Islands and China and between the Philippine Islands and Japan, *Provided,* The following terms and conditions are complied with:

(1) Such transaction is not by, or on behalf of, or pursuant to the direction of (i) any blocked country other than China or Japan, or (ii) any national of any blocked country other than China or Japan unless such national is within China or Japan;

(2) Such transaction does not involve property in which (i) any blocked country other than China or Japan, or (ii) any national of any blocked country other than China or Japan unless such national is within China or Japan, has at any time on or since the effective date of the Order had any interest;

(3) Such transaction does not involve any payment, transfer or withdrawal from any blocked account in any banking institution within any part of the United States other than the Philippine Islands; and

(4) Any banking institution within the Philippine Islands, prior to issuing, confirming or advising letters of credit, or accepting or paying drafts drawn, or reimbursing themselves for payments made, under letters of credit, or making any other payment or transfer of credit, in connection with any importation or exportation pursuant to this general license, or engaging in any other transaction herein authorized, shall satisfy itself (from the shipping documents or otherwise) that: (i) any such transaction is incident to a bona fide importation or exportation and is customary in the normal course of business, and that the value of such importation or exportation reasonably corresponds with the sums of money involved in financing such transaction; and (ii) such importation or exportation is or will be made pursuant to all the terms and conditions of this license.

(b) Banking institutions within the Philippine Islands engaging in any transactions authorized by this general license shall file promptly with the High Commissioner of the Philippine Islands monthly reports setting forth the details of such transaction during such period, including appropriate identification of the accounts which are debited or credited in connection with any such transaction.

(c) As used in this general license a person shall not be deemed to be "within China" or "within Japan", respectively, unless such person was situated within and doing business within China or Japan, respectively, on and since June 14, 1941.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-5397; Filed, July 26, 1941; 12:10 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 65, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JULY 26, 1941.

§ 131.65 *General License No. 65.* (a) A general license is hereby granted licensing any partnership, association, corporation or other organization engaged in commercial activities within the Philippine Islands and which is a national of China or Japan, to engage in all transactions ordinarily incidental to the normal conduct of its business activities within the Philippine Islands: *Provided, however,* That this general license shall not authorize:

(1) Any transaction which could not be effected without a license if such organization were not a national of any blocked country; or

(2) Any payment, transfer or withdrawal from any blocked account in any banking institution within any part of the United States other than the Philippine Islands.

(b) Any organization engaging in business pursuant to this general license shall not engage in any transaction, pursuant to this general license or any other general license, which, directly or indirectly, substantially diminishes or imperils the assets of such organization within the Philippine Islands or otherwise prejudicially affects the financial position of such organization within the Philippine Islands.

(c) Any such organization shall file with the High Commissioner of the Philippine Islands, within sixty days after the date hereof, an affidavit on Form TFBE-1 setting forth the data called for in such form. Any organization not complying with this requirement is not authorized to engage in any transaction under this general license.

(d) Any bank effecting any payment, transfer or withdrawal pursuant to this general license shall satisfy itself that such payment, transfer or withdrawal is being made pursuant to the terms and conditions of this general license.

(e) Any organization engaging in business pursuant to this general license shall file monthly reports in triplicate with the High Commissioner of the Philippine Islands setting forth the details of the transactions engaged in by it during the reporting period. Such report shall indicate receipts and expenditures classified into general categories by source, payee and purpose.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-5398. Filed, July 26, 1941; 12:11 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8369, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 66 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JULY 26, 1941.

§ 131.66 *General License No. 66.* A general license is hereby granted licensing as generally licensed nationals the offices in the Territory of Hawaii of:

(a) The American Security Bank;
(b) The Honolulu Trust Company;
(c) The Liberty Bank of Honolulu;
(d) The Pacific Bank;
(e) The Sumitomo Bank of Hawaii; and
(f) The Yokohama Specie Bank, Ltd.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-5399; Filed, July 26, 1941; 12:11 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 67 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JULY 26, 1941.

§ 131.67 *General License No. 67.* (a) A general license is hereby granted authorizing payments, transfers or withdrawals from blocked accounts, in domestic banks, of any partnership, association, corporation or other organization engaged in commercial activities within the United States and which is a national of China or Japan for the purpose of paying current salaries, wages or other compensation due employees of such organization, provided that:

(1) such employees are engaged in employment in and residing in the United States; and

(2) the total payments, transfers or withdrawals from blocked accounts of any such organization for such purposes does not exceed in any one week the average weekly payroll, for such employees of such organization, during the six months' period immediately preceding the date of this license.

(b) Any bank effecting any such payment, transfer or withdrawal shall satisfy itself that such payment, transfer or withdrawal is being made pursuant to the terms and conditions of this general license.

(c) Each such organization shall promptly file weekly reports in triplicate with the appropriate Federal Reserve Bank with respect to any such payments, transfers or withdrawals made from its blocked accounts during the reporting period. Such report shall include: (1) the total amount of such payments, transfers or withdrawals made during such period; (2) the names and addresses of the domestic banks holding the blocked accounts from which such payments, transfers or withdrawals were made, and the amount of such payments, transfers or withdrawals made from the blocked accounts in each bank; and the first weekly report filed by such organization shall include (3) comparable data for each of the six months preceding the date of this license.

(d) This license shall expire at the close of business on August 26, 1941.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-5400; Filed, July 26, 1941; 12:11 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 68 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JULY 26, 1941.

§ 131.68 *General License No. 68.* (a) A general license is hereby granted licensing as generally licensed nationals individuals who are nationals of China and Japan and who have been residing only in the United States at all times on and since June 17, 1940; *Provided, however,* That this license shall not be deemed to license as a generally licensed national any individual who is a national of China or Japan by reason of any fact other than that such individual has been a subject or citizen of China or Japan at any time on or since such date.

(b) Reports on Form TFR-300 are not required to be filed with respect to the property interests of any individuals licensed herein as generally licensed nationals.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-5401; Filed, July 26, 1941; 12:11 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 69 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JULY 26, 1941.

§ 131.69 *General License No. 69.* A general license is hereby granted licensing the following as generally licensed nationals:

(a) The San Francisco office of the Bank of Canton;
(b) The Sacramento office of the Sumitomo Bank of California;
(c) The Seattle office of the Sumitomo Bank of Seattle; and
(d) The offices in Los Angeles, San Francisco and Seattle of the Yokohama Specie Bank, Ltd.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-5402; Filed, July 26, 1941; 12:11 p. m.]

CHAPTER II—FISCAL SERVICE

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

[Department Circular No. 666, 1941]

PART 307—PAYMENT OR REDEMPTION OF BONDS AND OTHER TRANSFERABLE PUBLIC DEBT SECURITIES OF THE UNITED STATES AT MATURITY, OR BEFORE MATURITY PURSUANT TO A CALL FOR REDEMPTION IN ACCORDANCE WITH THEIR TERMS[1]

§ 307.0 *Scope of regulations.* The following rules and regulations in this part are hereby prescribed to govern the payment or redemption of transferable securities of the United States, as hereinafter defined. Any provisions of Department Circular No. 300, dated July 31, 1923, as supplemented and amended (31 CFR 306) in conflict with the pro-

[1] Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

[1] The provisions in this part are of general application, and will specifically apply only with respect to any transferable public debt securities of the United States that may mature in regular course, or that may be included in an official call for redemption before maturity in accordance with their terms.

visions of the regulations in this part are hereby superseded.*

*§§ 307.0 to 307.22, inclusive, issued under the authority contained in: R.S. 161; 5 U.S.C. 22. Sec. 1, 40 Stat. 502, Sec. 1, 40 Stat. 844, 46 Stat. 1506, Sec. 14 (a) (1), 48 Stat. 343, Sec. 1, 49 Stat. 20, Sec. 1, 52 Stat. 447; 3 U.S.C. 752. Sec. 5 (a) Second Liberty Bond Act as added by 46 Stat. 19, Secs. 2 and 3, 49 Stat. 20; 31 U.S.C. 754 and Supp. V 754 (a). Sec. 10, 36 Stat. 817; 39 U.S.C. 760. Sec. 1, 40 Stat. 1309, Sec. 1401, 42 Stat. 321, Sec. (a) (3), 48 Stat. 343, Sec. 4, 49 Stat. 20; 31 U.S.C. 753 (a) and Supp. V, 753 (a). Sec. 14 (a) (4), 48 Stat. 343; 31 U.S.C. 754 (a).

Subpart A—General Provisions

§ 307.1 *Definitions* — (a) *Securities.* The term "securities" shall include all bonds, notes, certificates of indebtedness, and Treasury bills of the United States, and similar instruments heretofore or hereafter issued by the Secretary of the Treasury as evidence of the public debt of the United States, and include those bearing interest and those issued on a discount basis. The word "transferable" shall apply only to securities which are transferable by delivery, or by assignment and delivery, as distinguished from those which by their terms are not transferable, or are transferable only by operation of law, such as United States Savings Bonds[2] and Adjusted Service Bonds,[3] which are not subject to the provisions of the regulations in this part. The word "securities" will hereinafter be used to refer to transferable securities as defined above, unless otherwise indicated by the context.

(b) *Payment.* As ordinarily used by the Treasury Department, the term "payment" refers to the payment of securities at maturity, while the term "redemption" refers to payment before maturity pursuant to a call for redemption in accordance with the terms of the securities. For the purposes of the regulations in this part, however, the terms are interchangeable, and the term "redemption" may refer to the discharge of a security by payment either at maturity, or before maturity pursuant to a call for redemption.*

§ 307.2 *Other securities affected.* The regulations in this part so far as appropriate also apply to securities of the general governments and various municipal governments of Puerto Rico and the Philippine Islands, and to those securities issued by wholly-owned corporations and other agencies of the Government for which the Treasury Department acts as transfer agency.*

§ 307.3 *Payment or redemption.* Securities become due for payment at their maturity date, or at such earlier date as they may be called for redemption in accordance with their terms, and the owner thereof, on presentation and surrender of the securities on and after any such date in accordance with the provisions of the regulations in this part, is entitled to receive payment of the principal amount, as hereinafter provided, except as otherwise provided by law or regulations prescribed pursuant to law.*

§ 307.4 *Interest.* Bonds, and other interest-bearing securities will cease to bear interest on the date of their maturity, unless they have been called for redemption before their maturity in accordance with their terms, in which case they will cease to bear interest on the date fixed for redemption in the call. No interest can accrue after a security has become due and payable, whether at maturity or by virtue of a call for redemption before maturity.*

Subpart B—Bearer Securities

§ 307.5 *Presentation and surrender; payment.* Coupon bonds, notes, certificates of indebtedness, Treasury bills, and other bearer securities which have become due and payable, whether at maturity or by virtue of a call for redemption before maturity, are payable in due course to the person presenting and surrendering them for redemption, or to such person as he may designate. Such securities should be presented and surrendered, at the risk and expense of the owner, to any Federal Reserve Bank or Branch thereof, or to the Treasurer of the United States, Washington, D. C., accompanied by appropriate written advice. (See Form PD 1704 attached hereto.)[4] All interest coupons due and payable on or before the date of maturity or date fixed in the call for earlier redemption, as the case may be, should be detached from the securities and collected in regular course. All coupons bearing dates subsequent to a redemption date should be left attached to the securities. Payment of the principal will be made by check drawn to the order of the person presenting and surrendering the securities and, in the absence of other instructions, mailed to him at his address, as given in the accompanying advice. Upon appropriate instructions, the check will be drawn to the order of any other person, and mailed to any other address. A Federal Reserve Bank, upon appropriate request, may make payment to a member bank from which bearer securities are received by crediting the amount in the member bank's account. The Secretary of the Treasury may require satisfactory proof of ownership of any bearer security, or any registered security assigned in blank, or otherwise so as to become, in effect, payable to bearer, which is presented and surrendered for redemption after the lapse of more than a reasonable period of time from the date on which it became due and payable, whether at maturity or earlier redemption date. In any case in which proof of ownership may be required the Secretary of the Treasury, in his discretion, may also require a bond of indemnity or such other security as he may deem necessary.*

§ 307.6 *Missing coupons.* If any coupons bearing dates subsequent to the redemption date of the securities are missing from bearer securities presented for redemption, the securities nevertheless will be redeemed, but the full face amount of any such missing coupons will be deducted from the payment to be made on account of such redemption, and any amounts so deducted will be held in the Treasury to provide for adjustments or refunds on account of such missing coupons as may subsequently be presented: *Provided, however,* That if it is proved to the satisfaction of the Secretary of the Treasury that any such missing coupons (bearing dates after the redemption date) have been in fact destroyed the amount of such destroyed coupons will not be deducted from the payment on account of redemption, but in any such case the Secretary of the Treasury may require a bond of indemnity or a guarantee by an incorporated bank or trust company.*

Subpart C—Registered Securities

§ 307.7 *Presentation and surrender; payment.* Registered securities which have become due and payable, whether at maturity or by virtue of a call for redemption before maturity, are payable in due course upon proper assignment by the registered payees or assignees thereof, or by their duly constituted representatives as hereinafter provided. After such assignment, the securities should be presented and surrendered, at the risk and expense of the owner, to any Federal Reserve Bank or Branch, or to the Treasury Department, Division of Loans and Currency, Washington, D. C., accompanied by appropriate written advice. (See Form PD 1705 attached hereto.)[4] In all cases payment will be made by check drawn to the order of the person entitled, and, unless otherwise directed, the check will be mailed to the address given in the form of advice accompanying the securities surrendered. The transfer books for registered securities will close at the close of business one month prior to the date of maturity of such securities, or the date fixed in the call for redemption before maturity in accordance with their terms, and such securities when received after the close of the transfer books will be accepted for cash redemption only. Final interest due will be covered by payments to be made simultaneously with the payments on account of principal, in accordance with the assignments on the securities surrendered, irrespective of the dates of such assignments: *Provided, however,* That in the case of a partial call of an outstanding series for redemption before maturity, final interest will be paid with principal only with respect to those securities included in the last portion called or which mature according to their terms.*

§ 307.8 *Assignments in general.* A registered security presented for redemp-

[2] Redemption of United States Savings Bonds is governed by Department Circular No. 530, Fourth Revision, as amended (31 CFR 315).

[3] Redemption of 3 percent Adjusted Service Bonds of 1945 is governed by Department Circular No. 560, Revised, as amended (31 CFR 313).

[4] Filed as part of the original document.

tion must be duly assigned by or in behalf of the registered payee, and, if assigned to a specified person, it should be reassigned by such assignee and any subsequent assignees. Except as otherwise provided herein, all assignments must conform with the general regulations of the Treasury Department governing assignments as set forth in Department Circular No. 300, as supplemented and amended. (31 CFR 306) *

§ 307.9 *Witnessing officers.* In addition to the officers generally authorized to witness assignments of registered securities (including the executive officers of banks and trust companies (and their branches) incorporated under Federal, State or Territorial laws), assignments of registered securities by registered payees or assignees thereof for redemption for their own account may be witnessed by any of the following officers: (a) United States or Canal Zone postmasters or acting postmasters; (b) assistant postmasters, postal cashiers, and money order cashiers at United States post offices designated to receive Postal Savings deposits; and (c) notaries public in the United States, its organized territories, or Puerto Rico; provided that the certificates of acknowledgment of any post office official must bear a legible imprint of his office stamp, and that of a notary public must bear a legible impression of his official seal and should show the date on which his commission will expire.*

§ 307.10 *Form of assignment.* If payment is to be made to the registered payee, or to an assignee holding under proper assignment from the registered payee, the securities should be assigned by such payee or assignee, or by a duly constituted representative, to "The Secretary of the Treasury for redemption." [5] If it is desired, for any reason, that payment be made to some other person, without intermediate assignment, the securities should be assigned to "The Secretary of the Treasury for redemption for the account of _____" (inserting the name and address of the person to whom payment is to be made), but assignments in this form must be completed before acknowledgment, and not left in blank. A representative or fiduciary may not assign for payment to himself individually, unless expressly authorized to do so by court order or by the instrument under which he is acting, but he may assign for payment to himself *in his representative or fiduciary capacity.* An assignment by a representative or fiduciary to "The Secretary of the Treasury for redemption" will be deemed to be an assignment for redemption for his account in his representative or fiduciary capacity.*

§ 307.11 *Assignments in blank.* Assignments in blank, or other assignments having similar effect, will be recognized in appropriate cases, but securities bearing such assignments will be paid to the person surrendering the securities or to such person as he may designate, since under such assignment the securities become in effect payable to bearer. Assignments in blank or other assignments having similar effect should be avoided, if possible, in order not to lose the protection afforded by registration.*

§ 307.12 *Detached assignments.* Unless otherwise directed by the Treasury Department or a Federal Reserve Bank in any particular case, all assignments should be made on the securities themselves. If the form or forms on the back of a security have been used or spoiled, and an additional assignment is necessary, a similar form may be written or typed in any convenient space on the back of the security, or such form will be stamped thereon by the Treasury Department or any Federal Reserve Bank, upon presentation for that purpose. If a detached assignment is authorized in any particular case, an appropriate form will be supplied by the Treasury Department or a Federal Reserve Bank.*

§ 307.13 *Assignments by corporations, associations, etc.* A security registered in the name of, or assigned to, a corporation or unincorporated association will ordinarily be redeemed for the account of such corporation or unincorporated association upon an appropriate assignment for that purpose executed on behalf of the corporation or unincorporated association by a duly authorized officer thereof, without proof of the officer's authority. In all such cases the assignment should be to "The Secretary of the Treasury for redemption", and payment will be made only by check drawn to the order of the corporation or unincorporated association. If redemption for any other account is desired, the assignment should be for redemption for account of the person or corporation desired and must be supported by appropriate resolution or other authority.*

§ 307.14 *Coowners.* A security registered in the names of two or more persons in their own right in any authorized form of registration will be redeemed without assignment by or in behalf of all the coowners, under the following circumstances and conditions:

(a) If the security is registered in the alternative, as, for example, "John Smith or Mrs. Mary Smith", "John Smith or Mrs. Mary Smith or the survivor", or "John Smith and Mrs. Mary Smith, or either of them", it may be assigned by any one of the coowners for redemption for the account of any person or persons desired, and payment will be made accordingly, irrespective of whether or not the Treasury Department has received notice of the death of any coowner who did not join in the assignment, and irrespective of whether or not the form of registration is one in which the right of survivorship is recognized. In any case coming under the provisions of this subsection an assignment to "The Secretary of the Treasury for redemption" will be deemed to be an assignment for redemption for the account of the coowner or coowners executing the assignment.

(b) If the security is registered jointly, that is, if the names of the coowners are not connected by the word "or", or are not followed by the words "or either of them", or words to that effect, as, for example, "John Smith and Mrs. Mary Smith", "John Smith, William Smith, and Mrs. Mary Smith or the survivors or survivor", or "John Smith and Mary Smith as tenants in common", it may, in the absence of notice of the death of any one of the coowners, be assigned by any one or more of them for redemption for the account of all, and payment will be made accordingly, by check drawn substantially as the security is inscribed. In any case coming under the provisions of this subsection an assignment to "The Secretary of the Treasury for redemption" will be deemed to be an assignment for redemption for the account of all the coowners.

(c) If the security is registered in any form of registration in which the right of survivorship is recognized, as, for example, "John Smith and Mrs. Mary Smith", or "John Smith and Mrs. Mary Smith or the survivor", and one of the coowners is deceased, it will be redeemed upon assignments by the survivor or survivors for the account of any person or persons desired. The assignment must be supported by satisfactory proof of death and survivorship. In any case coming under the provisions of this subsection an assignment to "The Secretary of the Treasury for redemption" will be deemed to be an assignment for redemption for the account of the surviving coowner or coowners.

In all other cases assignments for redemption must be executed by or on behalf of all the coowners.*

§ 307.15 *Minors.* (a) A security registered in the name of a guardian, curator, or other duly appointed or qualified representative for a minor, or in the name of a minor for whom such representative has been duly appointed or is otherwise duly qualified, must be assigned by such representative, proof of whose appointment, qualification and incumbency must be furnished. Such proof may consist of a certificate under seal from the court in which the appointment is made, dated not more than six months prior to the date of the assignment and containing a statement that at the date of certification the appointment is still in full force and effect.

(b) A security registered in the name of a natural guardian for a minor must be assigned by such natural guardian in the same manner as the security is inscribed unless the minor has attained his

[5] In the case of securities other than United States securities, the name of the issuing agency, or the name of the proper officer thereof, should be substituted for the words, "The Secretary of the Treasury" in assignments for redemption, as, for example, "The Federal Farm Mortgage Corporation", "The Twelve Federal Land Banks", or "The Treasurer of Puerto Rico."

majority, in which case proof of that fact must be submitted and the assignment made by the minor himself.

(c) A security registered in the name of a minor for whose estate no representative has been appointed by a court of competent jurisdiction or is otherwise duly qualified, or a security registered in the name of a minor followed by that of his natural guardian, will be redeemed without assignment by a guardian or other duly constituted representative under the following circumstances and conditions:

(1) If the minor's total holdings of registered securities of the issue to be redeemed do not exceed $250, the security will be redeemed upon assignment by the minor himself if he is of sufficient competency and understanding to sign his name to the assignment and comprehend the nature of the instrument; provided that, where the security is registered in the name of a minor followed by that of his natural guardian, such natural guardian must join in the assignment, if living and competent; provided further that, if the minor is not of sufficient competency and understanding to sign his name to the assignment and comprehend the nature of the instrument and the Treasury Department is furnished with satisfactory proof of that fact and of the identity of his natural guardian, the security may be redeemed upon assignment by his natural guardian alone. If the assignment is executed by the minor himself, the certificate of acknowledgment by the witnessing officer will be taken to be sufficient proof of the minor's competency and understanding. Appropriate forms for execution by the natural guardian and the witnessing officer for the purpose of establishing the necessary facts in connection with an assignment by the natural guardian alone will be furnished on request. In all cases arising under this paragraph, the assignment should be in favor of "The Secretary of the Treasury for redemption", and payment will be made by check drawn to the order of the minor registered owner. If the assignment is executed by the natural guardian alone, the name of the minor will be followed by the words "under natural guardianship of ----------" (inserting the name of the natural guardian).

(2) If it is established to the satisfaction of the Secretary of the Treasury that the entire personal estate of the minor does not exceed $500 in value and that the proceeds of the security are necessary and are to be used for the support or education of the minor, the security may be redeemed upon assignment in the name of the minor by his natural guardian for the account of any person or persons desired. In any case coming under the provisions of this paragraph an assignment to "The Secretary of the Treasury for redemption" will be deemed to be an assignment for redemption for the account of the minor under natural guardianship of his recognized natural guardian. Appropriate forms for the use of the natural guardian in making application for redemption and submitting evidence in support thereof will be furnished on request. (If the minor's total holdings of registered securities of the issue to be redeemed do not exceed $250, the security may be redeemed in accordance with the provisions of subparagraph (1) above, without complying with the requirements of this subparagraph.)

(3) If the minor's total holdings of registered securities presented for redemption exceed $250, but do not exceed $2,500, and the proceeds are not necessary for his support or education, redemption will be made for the purpose of having the proceeds reinvested in other United States transferable securities, or securities guaranteed as to both principal and interest by the United States, in an equal face amount, to be registered in the name of the minor in a form of registration showing also the name of his natural guardian; provided, that in the event the proceeds of redemption of the matured securities, together with accrued interest thereon, if any, are insufficient to purchase an equal face amount of other securities, there will be collected from the natural guardian any additional amount which may be necessary for the purchase of the securities designated in the application, or if the proceeds, including the final installment of interest and any uncollected interest on the securities presented for redemption, are sufficient to purchase additional securities in any authorized denominations, such purchase will be required. In either case the securities must be assigned by the natural guardian supported by an application on Form PD 1365, and the minor should join in the assignment and application if he is of sufficient competency and understanding to comprehend the nature of the transaction, in which case the certificate of acknowledgment by the witnessing officer will be accepted as proof of the minor's competency and understanding; otherwise the Treasury Department will require satisfactory proof that the minor was not of sufficient competency and understanding for such purpose. The application on Form PD 1365 should be submitted with the securities to be redeemed through the Federal Reserve Bank of the district in which the minor resides, which bank will effectuate the redemption of the matured securities and the purchase of new ones.

(4) In all other cases appointment of a representative by a court of competent jurisdiction will be required.*

§ 307.16 *Incompetents.* A security registered in the name of a person who is under any legal disability other than minority, and for whose estate a guardian, conservator or other representative has been appointed by a court of competent jurisdiction, or a security registered in the name of such representative, must be assigned by the representative, proof of whose appointment and qualification must be furnished unless such representative is named in the registration of the bond. If a security is registered in the name of an incompetent for whose estate no representative has been appointed or is otherwise legally qualified, redemption may, in the discretion of the Secretary of the Treasury, be made upon assignment by a person standing in the position of voluntary guardian for the purpose of having the proceeds invested in other transferable United States securities, or securities guaranteed both as to principal and interest by the United States in an equal face amount to be registered in the name of the person under disability: *Provided, however,* that redemption upon request of a voluntary guardian will not be made if the incompetent's total holdings of the issue to be redeemed exceed $2,500, in which case a legal representative will be required. Appropriate forms for use in making application for redemption under these circumstances and conditions will be furnished upon request.*

§ 307.17 *Joint fiduciaries.* A security registered in the names of, or assignable by, two or more persons acting as joint fiduciaries, such as administrators, executors, trustees, or guardians, may be assigned by any one or more of the joint fiduciaries for redemption for the account of all, without the remainder joining in the assignment. The assignment should be to "The Secretary of the Treasury for redemption", and payment will be made through a check drawn to the order of all the fiduciaries as such, (substituting the names of fiduciaries who are now acting for the names of any fiduciaries who are no longer acting), followed by appropriate reference to the trust instrument or estate. If redemption is to be made for the account of any other person, the assignment should be for redemption for the account of such person and must be executed by all the fiduciaries then acting. Proof of the appointment and qualification of the fiduciaries will be required except in the case of securities registered in the names of those fiduciaries who execute the assignment.*

Subpart D—Miscellaneous

§ 307.18 *Transportation of securities.* Securities presented for payment or redemption under the regulations in this part must be delivered to a Federal Reserve Bank or Branch, or to the Treasury Department, Washington, D. C., at the expense and risk of the holder. Bearer securities and registered securities bearing assignments in blank, or other assignments having similar effect, should be forwarded by registered mail insured, or by express prepaid. Facilities for transportation of securities by registered

mail insured may be arranged between incorporated banks and trust companies and the Federal Reserve Banks, and holders may take advantage of such arrangements when available, utilizing such incorporated banks and trust companies as their agents. Incorporated banks and trust companies are not agents of the United States under these regulations. Registered securities bearing assignments to "The Secretary of the Treasury for redemption" or to "The Secretary of the Treasury for redemption for the account of _____" (the name and address of the person to whom payment is to be made being inserted), may be forwarded by registered mail uninsured.*

§ 307.19 *Time and place of presentation.* In order to facilitate the redemption of securities when due, they should be presented and surrendered in the manner herein prescribed well in advance of (but not exceeding 30 days prior to) the date they will become due and payable. This is particularly important with respect to registered securities, payment of which cannot be made until registration shall have been discharged at the Treasury Department. Redemption will be expedited if the securities are presented to Federal Reserve Banks or Branches, and not direct to the Treasury Department. Banking institutions generally will assist holders in securing the redemption of their securities when due.*

§ 307.20 *Optional exchange offering.* If and when other interest-bearing securities are offered, on an optional exchange basis, to the holders of securities which may become due and payable either at maturity or before maturity by virtue of a call for redemption, owners of such securities desiring to take advantage of the offering should act promptly and should follow the instructions then given rather than the instructions in the regulations in this part, which apply only to securities presented for payment or redemption, and not to those presented for exchange.*

§ 307.21 *Bond of indemnity.* In any case arising under the provisions of the regulations in this part the Secretary of the Treasury may require a bond of indemnity, if he considers such a bond of indemnity necessary for the protection of the United States. Such bond of indemnity shall be in such form and amount and with such surety, sureties, or security as the Secretary of the Treasury shall require.*

§ 307.22 *Reservations.* The Secretary of the Treasury reserves the right at any time, of from time to time, to amend, supplement, revise, or withdraw any or all of the provisions of the regulations in this part.*

[SEAL] D. W. BELL,
Secretary of the Treasury.

[F. R. Doc. 41-5440; Filed, July 28, 1941; 11:27 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 960—CHLORINE

General Preference Order No. M-19 To Conserve the Supply and Direct the Distribution of Chlorine

Whereas, the national defense requirements have created a shortage of chlorine, as hereinafter defined, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered that:

§ 960.1 *General preference order*—(a) *Definitions.* For the purposes of this Order:

(1) "Chlorine" means gaseous and liquid chlorine.

(2) "Person" means and includes any individual, partnership, association, corporation, or other form of business enterprise.

(3) "Producer" means and includes any Person who manufactures Chlorine.

(4) "Defense Order" means:

(i) Any contract or order for products to be delivered to, or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(*b*) The Government of Great Britain and the government of any other country whose defense the President deems vital to the defense of the United States under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

(ii) Any other contract or order to which the Director of Priorities assigns a preference rating of A-10 or higher. (Such ratings will be assigned only to contracts or orders which the Director of Priorities shall deem necessary or appropriate to promote the defense of the United States.)

(iii) Any contract or order placed or offered by any Person for the delivery of any material or equipment needed by him to fulfill his contracts or orders on hand, which material or equipment is required for the fulfillment of any contracts or orders included under (i) and (ii) above.

(b) *Preference ratings and directions.* Deliveries of Chlorine by any Producer shall be made only in accordance with the following directions:

(1) Deliveries under Defense Orders shall be made in preference to deliveries under all other orders whenever, and to the extent necessary, to assure fulfillment of the delivery schedule specified in such Defense Orders or in any individual preference rating certificates assigned thereto, whichever schedule be earlier.

(2) Preference ratings, in order of precedence, are: AA, A-1-a, A-1-b, etc., * * * A-1-j; A-2, A-3, etc., * * * A-10.

(3) Deliveries under all Defense Orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A-10.

(4) When a Defense Order for Chlorine is offered to a Producer, it shall be accepted provided such order meets the regularly established prices and terms of sale of such Producer, and deliveries shall be made under such order in accordance with the preference rating assigned thereto and the delivery schedule specified therein, even though deferment of deliveries under non-defense orders previously accepted is necessitated thereby.

(5) When deliveries of Chlorine have been unreasonably or improperly deferred, or when orders therefor have been rejected (for any reason other than the restrictions contained in this General Order), the Person aggrieved may file with the Division of Priorities a verified report in form to be prescribed by the Division of Priorities, attention Chemicals Section, setting forth the facts in connection with such deferment or rejection.

(6) After providing for all deliveries under Defense Orders, giving preference among such deliveries in accordance with any preference ratings specifically assigned thereto, Producers may make deliveries of Chlorine under other contracts or orders without limitation until otherwise directed by the Director of Priorities.

(7) Any allocations made or any preference ratings or other directions issued by the Director of Priorities with respect to the residual supply of Chlorine after the satisfaction of all defense requirements, direct or indirect, will be in accordance with such Program as the Office of Price Administration and Civilian Supply may determine.

(8) Whenever there is doubt as to the preference rating applicable to any delivery, or whether an order or contract placed or offered to be placed, constitutes a Defense Order, the matter should be referred to the Division of Priorities for determination with a statement of all pertinent facts.

(c) *Records, information and inspection.* All Persons affected by this Order shall execute and file with the Division of Priorities such reports and questionnaires as said Division shall from time to time request. No reports or questionnaires are to be filed by any Person until so requested and until forms therefor are prescribed by the Division of Priorities.

(d) *Appeal.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the Division of Priorities by addressing a letter to the Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons such Person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(e) *Effective dates.* This Order shall take effect on the 26th day of July, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of December, 1941. (O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; Sec. 2 (a), Public No. 671, 76th Congress, Sec. 9, Public No. 783, 76th Congress.

Issued this 26th day of July 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-5446; Filed, July 28, 1941; 11:38 a. m.]

PART 963—SILK

General Preference Order M-22 To Conserve the Supply and Direct the Distribution of Silk

Whereas, the uncertainty of future shipments of Raw Silk from abroad and national defense requirements for Silk have created a shortage thereof and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution of Silk;

Now, therefore, it is hereby ordered, That:

§ 963.1 *General preference order—(a) Definitions.* For the purposes of this Order:

"Person" means and includes any individual, partnership, association, corporation or other form of enterprise.

(b) *Restrictions on deliveries.* No Person shall hereafter make delivery, and no Person shall accept delivery, of Raw Silk unless specifically authorized by the Director of Priorities: *Provided, however,* That deliveries of imported Raw Silk may be made without restriction to any Person importing the same, either directly or through an agent.

(c) *Restrictions on processing.* No Person shall during the week commencing Monday, July 28, 1941, or during any succeeding week, knit, weave or otherwise process thrown Silk in excess of that knit, woven or otherwise processed by him during the week ending July 26, 1941, unless specifically authorized by the Director of Priorities.

(d) *Appeal.* Any Person who considers that compliance with this Order will work an undue hardship upon him may appeal by telegraph or mail to the Director of Priorities, Office of Production Management, Washington, D. C., setting forth the pertinent facts and the reason such Person believes that he is entitled to relief.

Issued July 26, 1941, effective immediately.

(O.P.M. Regulation 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; sec. 2 (a), Public No. 671, 76th Congress; sec. 9, Public No. 783, 76th Congress.)

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-5445; Filed, July 28, 1941; 11:37 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

PART 1330—MATERIALS AND SUPPLIES FOR THE MANUFACTURE OF CANS FOR FOOD PRESERVATION

CIVILIAN ALLOCATION PROGRAM FOR MATERIALS AND SUPPLIES USED IN THE MANUFACTURE OF CANS FOR FOOD PRESERVATION

While it appears that there is not at this time a shortage of materials necessary to manufacture cans in sufficient quantities to pack the current bumper crop, increasing demand from all sources and the priorities granted to defense requirements may make it difficult to obtain materials and supplies needed for that purpose. The preservation of all available food is essential to industrial efficiency and civilian morale. To avoid any possible loss which might occur, it therefore seems advisable to provide a priority status for materials and supplies required to manufacture sufficient cans for the packing of the current crop.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734, particularly section 2 (a) thereof, the following program for the allocation of materials and supplies for the manufacture of cans to pack the current crop is announced.

§ 1330.1 *Allocation of materials and supplies for the manufacture of cans to be used in preservation of food.* Sufficient materials and supplies shall be allocated to manufacturers of cans for the production of cans necessary to pack the current food crop, and, if necessary, the highest civilian preference rating shall be extended to orders for materials or supplies placed by such manufacturers, in instances when such manufacturers are unable to secure materials or supplies required for the manufacture of cans for food preservation and when, except for minimum quanitities required to assure continuity of production, such manufacturers lack materials or supplies necessary for the production of such cans.*

*§§ 1330.1 to 1330.6, inclusive, issued pursuant to the authority contained in Executive Order No. 8734.

§ 1330.2 *Avoidance of excessive inventories.* Preferences granted under this program shall not be used to accumulate excessive inventories.*

§ 1330.3 *Economy in use of critical material.* All manufacturers of cans utilizing preference ratings granted by this program shall exercise the most rigid economy in the use of critical materials for the manufacturer of cans.*

§ 1330.4 *Exclusion of other types of cans.* This program refers only to cans to be used in the preservation of food and for the 1941 crop.*

§ 1330.5 *Effective date and expiration.* This program shall take effect on the 26th day of July, 1941, and shall, unless sooner terminated by the Administrator, expire the 1st day of October, 1941.*

§ 1330.6 *Enforcement.* The foregoing program is to be administered and enforced by the Office of Production Management.*

Issued this 26th day of July, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-5441; Filed, July 28, 1941; 11:31 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—GENERAL LAND OFFICE

SUBCHAPTER A—ALASKA

[Circular No. 1493]

PART 72—PARK, RECREATIONAL AND CEMETERY SITES

Lease or Sale of Public Lands in Alaska to Incorporated Cities or Towns for Park or Recreational Purposes, and Sales of Such Lands for Cemetery Purposes

§ 72.1 *Statutory authority.* The lease or sale of vacant and unreserved public lands in Alaska to incorporated cities or towns for park or recreational purposes, and the sale to them of such lands for cemetery purposes, is authorized by the Act of October 17, 1940 (Public No. 863).*

*§§ 72.1 to 72.13, inclusive, issued under the authority contained in the act of October 17, 1940 (Public No. 863).

§ 72.2 *Lands subject to lease or purchase.* Not to exceed 160 acres of contiguous tracts may be leased or sold for park or recreational purposes. Not to exceed 80 acres of contiguous tracts may be sold for cemetery purposes.*

§ 72.3 *Application to lease or purchase.* An application to lease or purchase land under the Act of October 17, 1940, must be executed in duplicate by the municipal authorities of an incorporated city or town, shall be addressed to the Commissioner of the General Land Office, Washington, D. C., and filed with the Register of the land office for the district in which the land is situated. The application should show:

(a) The official character and authority of the officer or officers making the application.

(b) A certificate of the officer having custody of the record of incorporation, setting forth the fact and date of incorporation.

(c) A description of the land by legal subdivisions, if the land is surveyed, or, if the land is unsurveyed, a description by metes and bounds, with courses, distances and references to monuments by which the location of the tract on the ground can be readily and accurately ascertained. The land, if unsurveyed, must be compact and rectangular in form, and the approximate acreage thereof must be given. Preferably a map, in duplicate, drawn to appropriate scale, approved by the city or town surveyor, should accompany the application if the same is for unsurveyed land, the map to show, among other data, the approximate latitude and longitude of at least one point on the boundary, and, if practicable, the course and distance of some designated corner of the tract with some corner of the public land survey.

(d) The distance and direction in which the land is situated from the city or town making application therefor.

(e) Facts as to the value of the land for park, recreational or cemetery purposes and the need of the land by the cty or town for the use requested. The following information should be given, if the land is desired for park or recreational purposes:

(1) The location of the tract in relation to the natural direction of community development.

(2) Any outstanding features which would make the tract particularly suitable for the contemplated park or recreational use.

(3) The general surface configuration, the soils, the drainage, and the present vegetation, including the kind and amount of timber on the land.

(f) The statement of the applicant, corroborated by the affidavit of two witnesses, that the land is vacant, unreserved, unoccupied, unimproved, or unclaimed by anyone other than the applicant; that the land does not abut more than 160 rods upon navigable waters; that the land is not within a distance of 80 rods along any such water from any location theretofore made with soldiers' additional rights, or as a trade and manufacturing site, homestead, Indian or Eskimo allotment, or school indemnity selection; and that the land is not included within an area which is reserved because of hot or medicinal springs thereon. If the facts are contrary as to any of the matters set forth in this paragraph, a complete statement should be made thereof.*

§ 72.4 *Action on application: report of Division of Investigations: appraisal.* Upon receipt of the application, the register will note its filing, assign a current serial number thereto, and transmit the original, unallowed, together with the accompanying papers, to the General Land Office, and the copy to the clerk in charge, Division of Investigations, at Anchorage, Alaska, for report and appraisal. With each copy, the register will report the status of the land as shown by his records.

The report of the Division of Investigations should show whether the lands have power or reservoir possibilities, whether they are chiefly valuable for purposes other than those for which they are proposed to be used, the facts enumerated in paragraphs (d), (e), and (f) of § 72.3, and any other facts deemed appropriate. The report shall include an appraisal of the land, which shall in no case be less than $1.25 per acre.

The application and proofs filed therewith, and the report of the Division of Investigations will be carefully examined in the General Land Office, and the record will be transmitted to the Secretary of the Interior, with recommendations.

If a sale of the land shall be authorized by the Secretary of the Interior, the record will be returned to the General Land Office for further action.

In the case of an application to lease, after the Division of Investigations has reported, if the facts so warrant and if all appear regular, a lease, in quadruplicate, on Form 4–978,[1] a copy of which is attached hereto and made a part hereof, will be prepared and submitted to the Secretary of the Interior for approval.*

§ 72.5 *Survey.* If a lease or sale shall be authorized by the Secretary of the Interior in the case of an application to lease or purchase unsurveyed lands, the district cadastral engineer will be directed to survey the land. The cost of such surveys shall be charged to the current appropriation for surveying the public lands.*

§ 72.6 *Publication and proof; issuance of final certificate.* Upon payment of the appraised price, and upon acceptance of the plat of special survey, if any, the register will be instructed to require the applicant to publish notice of the application once a week for five consecutive weeks, in accordance with § 106.18 (Circ. No. 1455, Feb. 17, 1939). During the entire period of publication, a copy of the notice must be posted in the district land office and on the land. Upon receipt of proof of publication and posting in the General Land Office, if all be found regular, the register will be instructed to issue final certificate.*

§ 72.7 *Reservation of minerals.* Any lease or patent issued under authority of the Act of October 17, 1940, shall contain a reservation to the United States of the coal and other mineral deposits in the land leased or patented, together with the right to prospect for, mine and remove the same, under rules and regulations issued by the Secretary of the Interior. No provision is made at this time for development of the unreserved mineral deposits in lands to be conveyed or leased under the Act of October 17, 1940 and until such regulations shall have issued the reserved deposits will not be subject to disposition.*

§ 72.8 *Offer of lease in lieu of sale.* When an application to purchase lands for park or recreational purposes has been filed under the Act of October 17, 1940, the Secretary of the Interior may suspend or reject such application to purchase, and may offer a lease of the premises to the applicant.*

§ 72.9 *Inspection of leased premises.* At any time during the term of a lease, under the Act of October 17, 1940, the authorized representatives of the Department of the Interior may inspect the leased premises, and they shall have free access to the books or records relating to the leased premises. A report will be made to the General Land Office for appropriate action of any facts found to exist which constitute cause for which the lease may be canceled as set forth in § 72.10. Also, Federal Agents, including game wardens, shall at all times have the right to enter the leased premises on official business.*

§ 72.10 *Cancelation of lease.* A lease will be subject to cancelation by the Secretary of the Interior for failure of the lessee to make any of the required payments of annual rental within the time prescribed, or for failure of the lessee otherwise to perform or observe any of the terms, covenants and stipulations of the lease, or of any of the regulations issued under the Act of October 17, 1940, where such default has continued for thirty days after written notice.*

§ 72.11 *Period of lease; renewal; sale of land.* Leases issued under the Act of October 17, 1940, shall be for a period not to exceed 20 years. The matter of issuing a further lease to the city or town, upon the expiration of the lease, will rest in the discretion of the Secretary of the Interior. The matter of selling the land to the city or town is also within the discretion of the Secretary of the Interior.*

§ 72.12 *Annual rental.* Every lessee under the Act of October 17, 1940, under new leases or renewals of leases, shall pay to the lessor in advance such reasonable rental as may be fixed by the Secretary of the Interior. The rental may be adjusted by the Secretary of the Interior at the end of the second year of the lease and at two-year intervals thereafter.*

§ 72.13 *Regulations superseded: part title amended.* Sections 72.1 to 72.12 inclusive supersede § 72.1 as codified June 1, 1938 (p. 63, Circ. 491, Feb. 24, 1928). The title of part 72 is hereby amended to read *Park, recreational and cemetery sites.**

Sale of Public Lands to Religious or Fraternal Associations or Private Corporations, for Cemetery Purposes

§ 72.14 *Statutory authority: governing regulations.* The sale of public lands in Alaska to religious or fraternal associations or private corporations authorized to hold real estate in the territory

[1] Filed as part of the original document.

for cemetery purposes, is authorized by the Act of March 1, 1907 (34 Stat. 1052: 43 U.S.C. 682), and the regulations thereunder (43 CFR 253). (R.S. 453, 2478; 43 U.S.C. 2, 1201).

Park and Cemetery Act of September 19, 1890 (26 Stat. 502; 43 U.S.C. 739) Made Inapplicable to Alaska

Regulations amended. Section 253.1 *Statutory authority* is hereby amended by adding thereto the words, "Section 2 of the Act of October 17, 1940 (Public No. 863) made the Act of September 30, 1890 inapplicable to the Territory of Alaska.", and by striking therefrom the words, "including land in Alaska,".

FRED W. JOHNSON,
Commissioner.

Approved: July 15, 1941.

W. C. MENDENHALL,
Acting Assistant Secretary.

[F. R. Doc. 41-5381; Filed, July 26, 1941; 10:01 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—GENERAL RULES AND REGULATIONS

APPENDIX B

The Commission on July 22, 1941, effective immediately, amended Appendix B in part as follows:

119,000 to 129,000	Government.
129,000	Aviation (Airport control).
129.200	do.
129,400	do.
129,600	do.
129,800	do.
130,000	do.
130,200	do.
130,400	do.
130,600	do.
130,800	do.
131,000	do.
131,200	do.
131,400	do.
131,600	do.
131,800	do.
J132,000	Aviation and Government.
132,000 to 140,000	Government.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i); sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-5367; Filed, July 25, 1941; 12:12 p. m.]

PART 7—COASTAL AND MARINE RELAY SERVICES

The Commission on July 22, 1941, effective immediately, made the following changes in its rules applicable to coastal and marine relay services:

Amended the following section to read:

§ 7.30 *Authorized emission.* Coastal-telephone and coastal-harbor stations are authorized to use type A-3 emission for the transmission of speech only; in addition, these stations may use type A-1 and A-2 emission for calling, for brief testing, for the transmission of brief service messages, for the transmission of busy signals, and for communication in an emergency involving the safety of life and property. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

Amended § 7.38 [1] *Operating procedure,* in the following respects:

§ 7.38 *Operating procedure.*

* * * * *

(e) In general, any one exchange of communications with a ship station by a coastal-harbor station transmitting on the frequency 2,514, 2,550, 2,582, 4,282.5, 6,470, 8,585 kc. shall not exceed 15 minutes in duration. In exceptional circumstances an exchange of telephone communications directly between the ship station and a land-line telephone station via the coastal-harbor station may be continued by direction of the coastal-harbor station beyond the 15-minute period on condition that other ship-shore traffic is not unduly delayed.

(f) Insofar as practicable and possible, each coastal-harbor station, when transmitting to a ship station on the frequency 2,514, 2,550, 2,582, 4,282.5, 6,470, or 8,585 kc. shall receive radiotelephone emissions from the ship station on the following related frequency:

Licensed transmitting frequency (kilocycles)	*Required frequency of reception (kilocycles)*
2,514	2,118
2,550	2,158
2,582	2,206
4,282.5	4,422.5
6,470	6,660
8,585	8,820

* * * * *

(i) Coastal-harbor stations, when calling a ship station, shall transmit the type of signal necessary to actuate the receiving equipment known to be installed in the particular ship station and normally used in the ship service for monitoring the coastal-harbor station frequency.

(k) Except in the event of distress, a coastal-harbor station shall not answer or attempt to answer a ship-telephone station until the latter has transmitted the call letters or name of the particular coastal-harbor station with which it intends to communicate. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i); sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

Amended § 7.61 [2] in the following respects:

§ 7.61 *Frequencies for coastal-harbor radiotelephone stations in the Great Lakes area only.*

* * * * *

(b) The frequencies 2,514, 2,550, 2,582, 4,282.5, 6,470, and 8,585 kc. are designated as working frequencies assignable to coastal-harbor stations. The frequencies 4,282.5, 6,470, and 8,585 kc. may also be used for calling and answering. These frequencies shall be used for transmitting regular message traffic to ship stations at any point in the Great Lakes area, as follows:

	Kilocycles
(1) For transmission to ship-telephone stations located on board United States or Canadian vessels and on board vessels of any other country	2,514
(2) For transmission to ship-telephone stations located on board United States vessels	2,550, 6,470, 8,585
(3) For transmission only to ship-telephone stations located on board Canadian vessels	2,582
(4) For transmission to ship-telephone stations located on board United States or Canadian vessels	4,282.5

(c) All coastal-harbor stations using one or more of the frequencies 2,182, 2,514, 2,550, 2,582, 4,282.5, 6,470, and 8,858 kc., shall coordinate operation so as to avoid interference and make the most effective use of the frequencies assigned.

* * * * *

(e) The frequencies 4,282.5, 6,470, and 8,585 kc. are authorized for use by coastal-harbor stations in the Great Lakes area upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service with which interference results. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i); sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

Amended § 7.62 (a) (1) [3] to read as follows:

§ 7.62 *Frequencies for coastal harbor radiotelephone stations for communication with ships on the Mississippi River and connecting inland waters.* (a) * * *

* * * * *

(1) The frequency 2,782 kilocycles is authorized for use on a shared basis with stations licensed by the Commission for fixed public service, in accordance with paragraph (c) of this section. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i); sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

Amended § 7.77 (d) to read as follows:

§ 7.77 *Installation for coastal-harbor radiotelephone stations in the Great Lakes area only.*

* * * * *

(d) Each coastal-harbor station shall be capable of calling ship-telephone stations on the Great Lakes, by transmitting a generally recognized type of calling signal which is necessary to actuate normally the receiving equipment of the individual ship station when this equipment is being employed in the ship service to monitor the coastal-harbor station transmitting frequency. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

Amended § 7.91 to read as follows:

§ 7.91 *Marine relay service.* The term "marine relay service" means a

[1] 5 F.R. 822 (§ 7.102).
[2] 5 F.R. 1368 (§ 7.101).
[3] 6 F.R. 3155.

radiotelegraph service carried on between marine relay stations communicating with one another for the relay of maritime mobile radiotelegraph communications or for the interchange of messages or operating signals pertaining to maritime mobile radiotelegraph communications only. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

Amended § 7.93 in the following respects:

§ 7.93 *Licenses and use of frequencies.*

* * * * *

(b) A great Lakes coastal-telegraph station licensee, for the relay of messages either destined to or originating at ship radiotelegraph stations on the Great Lakes: *Provided, however,* That such messages shall be relayed only upon the coastal-telegraph working frequencies that are licensed to the same applicant at the particular location where marine relay service is desired: *And provided further,* That the frequencies are available for both fixed and mobile services under the provisions of the International General Radio Regulations.

(c) Any other coastal-telegraph station licensee, for the relay via another marine relay station of messages destined to a mobile radiotelegraph station: *Provided, however,* That such messages shall be relayed only upon the coastal working frequencies that are licensed to the same applicant at the particular location where marine relay service is desired: *And provided further,* That this service is not to be used for the normal routing of traffic, but only when, for any reason, the initial coastal station has been unable to communicate directly with such mobile station. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i); sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

Amended § 7.96[4] in the following respects:

§ 7.96 *Additional regulations.*

* * * * *

(g) Section 7.56 Emission in the band 100 to 160 kilocycles.

(h) Section 7.59 Frequency measurements.

(i) Section 7.60 Frequency tolerance.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 41-5368; Filed, July 25, 1941; 12:12 p. m.]

PART 8—SHIP SERVICE

The Commission on July 22, 1941, effective immediately, made the following changes in its rules applicable to ship service:

[4] 4 F.R. 3426.

Amended paragraph (f) of § 8.54 to read as follows:

§ 8.54 *Operating procedure for ship radiotelephone stations in the Great Lakes area only.*

* * * * *

(f) Unless otherwise directed by a coastal-harbor station, any one exchange of communications by a ship station transmitting on the frequency 2118, 2158, 4422.5, 6660 or 8820 kilocycles shall not exceed fifteen minutes in duration. Subsequent to any one exchange of communications, the same frequency shall not again be used by that ship station until fifteen minutes have elapsed, provided that this limitation shall not apply to distress or emergency communication. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i); sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

Amended § 8.91 to read:

§ 8.91 *Additional frequencies.* (a) In addition to the frequencies designated in the license of a ship station, such station, when communicating with a coastal station, may transmit:

(1) On any working frequency between 110 and 194 kilocycles when directed to do so by a coastal telegraph station operating in this band, provided no interference results to the service of any other land or fixed station, and provided that on frequencies below 160 kilocycles the emission shall be A–1 only.

(2) On a working frequency within the band 385 to 23,000 kilocycles used by a coastal telegraph station when directed to do so by the coastal station to which the frequency is assigned.

(b) In addition to the frequencies designated in the license of a ship station, such station when communicating with a mobile or coastal station of the United States Government, may transmit on a United States Government frequency when authorized or directed to do so by the government station concerned or by the government department to which the frequency is assigned. The ship station operating frequency, the type of emission, and the class of traffic on this frequency shall be designated by the government station: *Provided,* That on frequencies below 160 kilocycles the emission shall be A–1 only. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i); Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

Amended paragraphs (b), (c) and (e) of § 8.98 as follows:

§ 8.98 *Frequencies for ship radiotelephone stations in the Great Lakes Area only.*

* * * * *

(b) The frequencies 2,118, 2,158, 4,422.5, 6,660, and 8,820 kilocycles are designated as working frequencies assignable to ship stations for transmitting regular message traffic to coastal stations at any point in the Great Lakes area. The frequencies 4,422.5, 6,660 and 8,820 kilocycles may also be used for calling and answering.

(c) All ship stations using one or more of the frequencies 2,182, 2,118, 2,158, 2,738, 4,422.5, 6,660, and 8,820 kilocycles shall coordinate operation so as to avoid interference and make the most effective use of the frequencies assigned.

* * * * *

(e) The frequencies 4,422.5, 6,660, and 8,820 kilocycles are authorized for use by ship-telephone stations in the Great Lakes area upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service with which interference results. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i); sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

Added the following new section under "Radio Installation":

§ 8.108 *Adjustment of equipment.* The equipment of a ship telephone station shall be operated, tuned and adjusted so that there will be no radiation of emissions outside the authorized band which are capable of causing interference to the communications of other stations. Any spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at the lowest practicable level. (Sec 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

Amended paragraph (c) of § 8.114[1] *Requirements of main installation* by deleting the asterisk appearing at the end thereof, deleting the footnote to which asterisk refers and changing the last sentence to read as follows: "For the purpose of determining the potential(s) of the main power supply of the main transmitter at its radio room terminals, effective January 1, 1942, a suitable voltmeter or voltmeters of approved accuracy shall be permanently installed in the main radio operating room." (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

Added new paragraph (c) to § 8.116 to read as follows:

§ 8.116 *Use of emergency power supply on board a cargo ship.*

* * * * *

(c) Any battery, other than a storage battery, which is the emergency power supply or a part thereof, may be used at any time to maintain the watch by a qualified operator required by section 353 (c) of the Communications Act, for a period not in excess of eight hours per day in the aggregate, if such use will not reduce the ability of the emergency power supply to energize the emergency installation for a period of at least six consecutive hours. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

Amended paragraph (c) of §8.132 to read as follows:

[1] 5 F.R. 4585.

§ 8.132 *Installation for ship radiotelephone stations in the Great Lakes area only.*

* * * * *

(c) The maximum operating power to be licensed for use by ship telephone stations shall be 100 watts. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

Amended paragraph (a) of § 8.237 to read as follows:

§ 8.237 *Location of spare parts.* (a) Spare parts for the direction finder receiver as required by § 8.235, paragraph (c), shall be kept in the same compartment or room in which this receiver is located. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-5369, Filed, July 25, 1941; 12:13 p. m.]

PART 9—AVIATION SERVICES

The Commission on July 22, 1941, effective immediately, adopted the following new rules to read:

§ 9.15 *Definition.* A flight test station means a radio station used for the transmission of essential communications in connection with the test flights of aircraft and may be authorized for operation as a fixed station on the ground or for operation on board aircraft subject to test. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

* * * * *

§ 9.79 *Flight test frequency.* The frequency 132,000 kilocycles, is available experimentally for use in connection with the transmission of essential communications during the flight tests of aircraft and is subject to the condition that no interference is caused to stations operating on adjacent frequencies. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i); sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

* * * * *

FLIGHT TEST STATIONS

§ 9.161 *Eligibility of licenses.* A flight test station license will be granted only to manufacturers of aircraft and of major aircraft components. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

§ 9.162 *Cooperative use of facilities.* (a) Only one flight test station for operation on the ground will be licensed to serve an airport and such station will be required to provide non-public service without discrimination, but on a cooperative maintenance basis, to all manufacturers eligible for a license for flight test station.

(b) Where licensees desire to conduct flight tests in adjacent airport control areas,[1] or where radio interference may result from simultaneous operation of stations at nearby airports, they shall arrange for a satisfactory time division by mutual agreement. If such an agreement cannot be reached the Commission will determine and specify the time division upon request of either licensee. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

§ 9.163 *Service to be rendered.* The use of these stations will be restricted to the transmission of necessary information or instructions relating directly to tests of aircraft or components thereof. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

§ 9.164 *Power.* The power output of flight test stations designated for operation on board aircraft shall be limited to 10 watts and those designated for operation as a ground station shall be limited to 50 watts. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

§ 9.165 *Supervision of airport control operator.* At any airport at which an airport control station or control tower is in operation, the airport control operator must be given a remote microphone connection to the ground flight test station transmitter for the transmission of orders or instructions of an emergency nature to aircraft flight test stations within the control area[1] of the airport. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-5370; Filed, July 25, 1941; 12:13 p. m.]

PART 13—COMMERCIAL RADIO OPERATORS

The Commission on July 22, 1941, effective September 1, 1941 amended paragraph (a) of § 13.61 *Operators' authority,* to read as follows:

§ 13.61 *Operators' authority*—(a) *Radiotelephone second-class operator license.* Any station while using type A-0, A-3, A-4, or A-5 emission except standard broadcast stations, International Broadcast stations, or high frequency and television broadcast stations licensed for commercial operation, or ship stations licensed to use power in excess of 100 watts and type A-3 emission for communication with coastal telephone stations. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. D. Doc. 41-5371, Filed July 25, 1941; 12:13 p. m.]

[Order No. 78-B]

PART 42—DESTRUCTION OF RECORDS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of July 1941;

The Commission, having under consideration its Rules Governing The Destruction of Records of Telecommunication Carriers with particular reference to § 42.1 and paragraphs numbered 83, 84, and 90 of § 42.91 of those rules and the provisions of Commission Orders No. 78 and 78-A[1]:

It is ordered, That Commission Orders Nos. 78 and 78-A be, and they are hereby, amended to provide as follows:

It is ordered, That, until further order of the Commission, each common carrier engaged in international telegraph communication by wire or radio shall retain in its files the original of each telegraph message, or a copy thereof, transmitted by it to any point beyond the continental United States and a copy of each telegraph message received by it from any point beyond the continental United States;

It is further ordered, That, until further order of the Commission, each coastal station engaged in telegraph communication with maritime mobile stations shall retain in its files the original or a copy of each telegraph message transmitted by it to a maritime mobile station, and a copy of each telegraph message received by it from a maritime mobile station;

It is further ordered, That, until further order of the Commission, each maritime mobile station engaged in telegraph communication shall retain in its files the original or a copy of each telegraph message transmitted by it, and a copy of each telegraph message received by it;

It is further ordered, That the foregoing provisions shall be construed to require the retention of all such original transmitted messages, or copies thereof, and copies of received messages as are now on file with or hereafter may come into the possession of a carrier to whom this Order applies.

Provided, however, That the Rules Governing the Destruction of Records of Telecommunication Carriers shall remain in full force and effect, and that the provisions of this Order shall be construed as imposing requirements additional to said rules.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-5372; Filed, July 25, 1941; 12:14 p. m.]

Notices

DEPARTMENT OF STATE.

SUPPLEMENTAL TRADE-AGREEMENT NEGOTIATIONS WITH CUBA

PUBLIC NOTICE

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as extended by Public Resolution

[1] Approximately within 30 miles distance or 10 minutes' flight of the airport.

[1] 6 F.R. 526; 2450.

61, approved April 12, 1940, and to Executive Order 6750 of June 27, 1934, I hereby give notice of intention to negotiate a trade agreement with the Government of Cuba to supplement and amend the agreement signed August 24, 1934 as amended by the supplementary agreement signed December 18, 1939.

All presentations of information and views in writing and applications for supplemental oral presentation of views with respect to the negotiation of such agreement should be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee concerning the manner and dates for the submission of briefs and applications, and the time set for public hearings.

SUMNER WELLES,
Acting Secretary of State.

WASHINGTON, *July 26, 1941.*

[F. R. Doc. 41-5403, Filed, July 26, 1941; 1:01 p. m.]

Committee for Reciprocity Information.

SUPPLEMENTAL TRADE-AGREEMENT NEGOTIATIONS WITH CUBA

CLOSING DATE FOR SUBMISSION OF BRIEFS, AUGUST 23, 1941; CLOSING DATE FOR APPLICATION TO BE HEARD, AUGUST 23, 1941; PUBLIC HEARINGS OPEN SEPTEMBER 8, 1941

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentation of views, in regard to the negotiation of a supplemental trade agreement with the Government of Cuba, of which notice of intention to negotiate has been issued by the Acting Secretary of State on this date, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, August 23, 1941. Such communications should be addressed to "The Chairman, Committee for Reciprocity Information, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C."

A public hearing will be held, beginning at 10 a. m. on September 8, 1941, before the Committee for Reciprocity Information, in the hearing room of the Tariff Commission in the Tariff Commission Building, where supplemental oral statements will be heard.

Six copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 26th day of July 1941.

E. M. WHITCOMB,
Acting Secretary.

WASHINGTON, D. C., *July 26, 1941.*

List of Products on Which the United States Will Consider Granting Concessions to Cuba

NOTE: For the purpose of facilitating identification of the articles listed, reference is made in the list to the paragraph numbers of the tariff schedules in the Tariff Act of 1930.

In the event that articles which are at present regarded as classifiable under the descriptions included in the list are excluded therefrom by judicial decision or otherwise prior to the conclusion of the agreement, the list will nevertheless be considered as including such articles.

United States Tariff Act of 1930, Paragraph	Description of article	Present rate of duty (applicable to Cuban products)
214	Earthy or mineral substances wholly or partly manufactured and articles, wares, and materials (crude or advanced in condition), composed wholly or in chief value of earthy or mineral substances, not specially provided for, whether susceptible of decoration or not, if not decorated in any manner:	
	Marble chip or granite	24% ad valorem.
501	Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75 sugar degrees, and all mixtures containing sugar and water, testing by the polariscope above 50 sugar degrees and not above 75 sugar degrees.	
	and for each additional sugar degrees shown by the polariscopic test.	$0.000135 per lb. additional, and fractions of a degree in proportion. [1]
502	Molasses and sugar sirups, not specially provided for:	
	If containing soluble nonsugar solids (excluding any foreign substance that may have been added) equal to more than 6 per centum of the total soluble solids:	
	Testing not above 48 per centum total sugars.	$0.0013½ per gal. [2]
	Testing above 48 per centum total sugars.	$0.0014½ additional for each per centum of total sugars and fractions of a per centum in proportion [2]

[1] 96° sugar $0.009 per pound.

[2] These rates of duty, applicable to imports of Cuban origin, were reduced following the granting of a concession on the products affected in the trade agreement with the United Kingdom, effective January 1, 1939. That agreement limits the quanitty of molasses and sugar sirups which may be entered from all countries in any calendar year, at the reduced rates under these items, to a total of 1,500,000 gallons.

List of Products on Which the United States Will Consider Granting Concessions to Cuba—Continued

United States Tariff Act of 1930, Paragraph	Description of article	Present rate of duty (applicable to Cuban products)
502	Molasses and sugar sirups, not specially provided for—*Continued.*	
	Other:	
	Testing not above 48 per centum total sugars.	$0.002 per gal.
	Testing above 48 per centum total sugars.	$0.002 additional for each per centum of total sugars and fractions of a per centum in proportion
502	Molasses not imported to be commercially used for the extraction of sugar or for human consumption.	$0.00024 per lb. of total sugars
601	Wrapper tobacco, and filler tobacco when mixed or packed with more than 35 per centum of wrapper tobacco:	
	If unstemmed	$1.20 per lb.
601	Filler tobacco not specially provided for, other than cigarette leaf tobacco:	
	If unstemmed	$0.175 per lb. [3]
	If stemmed	$0.25 per lb. [3]
603	Scrap tobacco	$0.175 per lb. [3]
605	Cigars and cheroots of all kinds.	$2.25 per lb. and 12½% ad valorem.
701	Beef and veal, fresh, chilled, or frozen.	$0.048 per lb.
743	Grapefruit	$0.012 or $0.006 per lb. [4]

[3] Under the supplementary trade agreement with Cuba, effective December 23, 1939 reductions in duty were granted on stemmed on unstemmed filler tobacco (other than cigarette leaf tobacco) and scrap tobacco of Cuban origin, the reduced rates being applicable to a quota of 22,000,000 pounds (unstemmed equivalent) in any calendar year; any imports from Cuba in excess of this quantity being subject to rates of $0.28 per lb. on unstemmed filler tobacco and scrap tobacco and $0.40 per lb. on stemmed filler tobacco. These rates were bound against increase.

[4] The rate of duty applicable to Cuban grapefruit when imported and entered for consumption during the period from August 1 to September 30 inclusive, in any year, was reduced from $0.012 to $0.006 per lb., the maximum reduction permitted under the authority of the Trade Agreements Act, in the trade agreement with Cuba effective September 3, 1934.

[F. R. Doc. 41-5404; Filed, July 26, 1941; 1:01 p. m.]

WAR DEPARTMENT.

RESTRICTIONS ON FOREIGN EXCHANGE TRANSACTIONS

Restrictions on certain transactions involving property in which certain foreign countries, or any national thereof, may have an interest. Paragraphs 1 to 10,[1] inclusive, Procurement Circular No. 21, War Department, 1940, as amended, are designated as section I, and section II is added as follows:

II—*General licenses.* Pursuant to authority contained in Executive Order No.

[1] 5 F.R. 2939, 4273; 6 F.R. 1600, 1759, 1848, 2450, 3219.

8389, April 10, 1940, as amended,[1] the Secretary of the Treasury has granted general license as follows:

1. General License No. 51, dated June 24, 1941 (6 F.R. 3100)—Union of Soviet Socialist Republics:

(a) A general license is hereby granted licensing the Union of Soviet Socialist Republics as a generally licensed country.

(b) As used in this general license: Any foreign country licensed as a "generally licensed country", and nationals thereof, shall be regarded for all purposes as if such foreign country were not a foreign country designated in the Order. (R.S. 161, 5 U.S.C. 22) [Proc. Cir. 21, W.D., July 25, 1940, as amended by Proc. Cir. 56, W.D., July 19, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-5379; Filed, July 26, 1941; 9:59 a. m.]

[Contract No. W 535 ac-19651; 5083]

SUMMARY OF CONTRACT FOR SUPPLIES[2]

CONTRACTOR: GENERAL ELECTRIC COMPANY

Contract for: * * * Turbine Supercharger Assemblies.

Amount. $21,776,000.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field. Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chrageable to the Procurement Authorities listed below, the available balances of which are sufficient to cover cost of same:

AC 34 P 12-30 A 0705-12
AC 299 P III-30 A 0021-13

This contract, entered into this 20th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Turbine Supercharger Assemblies for the consideration stated twenty-one million, seven hundred seventy-six thousand dollars ($21,776,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the constracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Sepcifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Price adjustment. The contract prices stated in this contract for superchargers are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the superchargers.

Delays—Damages. If the Contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1 or any extension thereof, * * * the Government may by written notice terminate the right of the Contractor to proceed with deliveries of such part or parts of the materials or supplies covered by this contract as to which there has been delay.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a) Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-5375; Filed, July 26, 1941; 9:58 a. m.]

[Contract No. W 535 ac-18724; 4725]

SUMMARY OF CONTRACT FOR SUPPLIES[1]

CONTRACTOR: AVIATION MANUFACTURING CORPORATION, LYCOMING DIVISION

Contract for: * * * Aircraft Engines, Spare Parts Therefor and Data.

Amount: $1,048,453.54.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 34 P 12-3037 A 0705-01
AC 26 P 81-3037 A 0705-01
AC 28 P 82-3037 A 0705-01

This contract, entered into this sixth day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * aircraft engines, spare parts therefor and data for the consideration stated not exceeding one million forty-eight thousand, four hundred fifty-three dollars fifty-four cents ($1,048,453.54) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

Price adjustment. The contract prices stated in this contract for aircraft engines are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the engines.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract is authorized under the provisions of sec. 1 (a), Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-5376; Filed, July 26, 1941; 9:58 a. m.]

---

[1] 6 F.R. 2897.

[2] Approved by the Under Secretary of War, June 27, 1941.

[1] Approved by the Under Secretary of War June 24, 1941.

[Contract No. W 6714 qm-1; O. I. No. 1]

SUMMARY OF FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES [1]

ARCHITECT-ENGINEER: GARDNER & HOWE, PORTER BUILDING, MEMPHIS, TENNESSEE

Amount fixed fee: For title I, $16,620; for title II, $5,540.

Estimated cost of construction project: $1,353,636.

Type of construction project: Reconstruction of dock facilities.

Location: New Orleans, Louisiana.

Type of service: Architect-engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 8876 PL 29-77 A 0540-12 the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 7th day of June 1941.

Title I

ARTICLE I-A. *Description of the work.* The Architect-engineer shall perform all the necessary services provided under this contract for the following described project: The reconstruction and reconditioning of dock facilities, including necessary buildings, temporary structures, utilities and appurtenances thereto, (hereinafter referred to as "the project"), located at or in the vicinity of New Orleans, Louisiana.

ART. I-B. *Character and extent of services.* The Architect-engineer shall perform the following services:

c. Prepare preliminary studies, sketches, and reports for all structures, utilities and appurtenances.

g. When preliminary drawings are approved by the Contracting Officer, prepare final designs, detailed working drawings and specifications in accordance with Government standards necessary for the effective coordination and efficient execution of the construction work and revise the drawings and specifications as required by the Contracting Officer.

h. Prepare an estimate of the cost of the proposed project based on the approved designs, drawings and specifications therefor.

ART. I-D. *Fixed-fee and reimbursement of expenditures.* 1. In consideration for his undertakings under this Title I, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of sixteen thousand six hundred twenty dollars ($16,620) which shall constitute complete compensation under this Title I for the Architect-Engineer's services.

b. Reimbursement for expenditures as specified in Title III, Article III-D hereof.

Title II

Upon the satisfactory completion and acceptance of the work and services to be furnished under Title I, the Government, at its option, may elect to have the Architect-Engineer perform the work and services provided under this Title II.

ART. II-A. *Services to be furnished by architect-engineer.* The Architect-Engineer shall perform the following services:

a. Assist the Contracting Officer in obtaining, analyzing and evaluating proposals or bids for a construction contract or contracts based upon the approved drawings and specifications.

b. Prepare record drawings in required form, or correct contract and working drawings and specifications to show construction as actually accomplished.

c. * * * Supervise the work designed by him to insure the construction of every part of the work in accordance with the approved drawings and specifications.

ART. II-C. *Fixed fee and reimbursement of expenditures:* In consideration for his undertakings under this Title II, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of five thousand five hundred forty dollars ($5,540) which shall constitute complete compensation under this Title II for the Architect-Engineer's services.

b. Reimbursement for expenditures as specified in Title III.

Title III

The provisions of this title shall apply to this entire contract, to-wit: to Title I and likewise to Title II, should Title II become operative as provided therein.

ART. III-A. *Services to be performed by architect-engineer.* *b.* The Architect-Engineer shall perform all other architectural and engineering services within the scope of this contract, required by the Contracting Officer.

ART. III-B. *Data to be furnished by the Government.* The Government shall furnish the Architect-Engineer available preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

ART. III-F. *Method of payment.* Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and 90% of the amount of the Architect-Engineer's fixed-fee earned. Upon completion of the project, the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

ART. III-G. *Drawings and other data to become property of Government.* All drawings and specifications are to become the property of the Government.

ART. III-J. *Changes in the scope of the project.* The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

ART. III-K. *Termination for cause or for convenience of the Government.* The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws:

Public 703—76th Congress Approved July 2, 1940.

Public 611—76th Congress Approved June 13, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 41-5377; Filed, July 26, 1941; 9:58 a. m.]

[1] Approved by the Under Secretary of War June 14, 1941.

[Contract No. W 6714 qm-2; O. I. No. 2-42]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT [1]

CONTRACTORS: STEVENS BROS. & THE MILLER-HUTCHINSON CO., INC., 730 GRAVIER STREET, NEW ORLEANS, LA.

Contract for construction: Port of Embarkation.

Location: New Orleans, La.

Fixed fee: $53,960.

Estimated construction cost exclusive of fixed fee: $1,183,830.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: QM 23023 CBUA P99 A0540-N.

This contract, entered into this 1st day of July 1941.

Statement of work. The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of a Port of Embarkation, including necessary buildings, temporary structures, utilities, and appurtenances thereto at or near New Orleans, La.

It is estimated that the construction cost of the work covered by this contract will be one million one hundred eighty-three thousand eight hundred thirty dollars ($1,183,830) exclusive of the Constructor's fee.

[1] Approved by the Under Secretary of War June 24, 1941.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of fifty-three thousand nine hundred sixty dollars ($53,960) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

Payments — Reimbursement for cost. The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for constructor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

Final Payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

Termination of contract by Government. The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This contract is authorized by the following laws:

Public 705—76th Congress Approved July 2, 1940.

Public 139—77th Congress Approved June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-5378; Filed, July 26, 1941; 9:59 a. m.]

[Contract No. W 271 ORD 547]

SUMMARY OF CONTRACT FOR SUPPLIES[1]

CONTRACTOR: STEWART-WARNER CORPORATION

Contract for * * * Units of Metal Parts for Fuzes * * *.

Amount: $1,477,728.00.

Place: Chicago Ordnance District Office, 38 South Dearborn Street, Chicago, Illinois.

The * * * Units of Metal Parts for Fuzes * * * to be obtained under this contract are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authority O. S. & S. A. ORD 6872 P11-02 A1005-01, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 13th day of June, 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Units of Metal Parts for Fuzes * * * for the consideration stated of one million four hundred seventy-seven thousand seven hundred twenty-eight ($1,477,728.00) Dollars in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Increased quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * per cent, and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Performance bond. Contractors shall be required to furnish a performance bond in duplicate in the sum of ten per centum of the total amount of this contract with surety or other security acceptable to the Government to cover the successful completion of this contract.

Price adjustments. The contract price stated in Article 1 is subject to adjustments for changes in labor costs.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the base prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either One Thousand Dollars ($1,000.00) or Fifty (50%) per cent of the total amount of the contract.

This contract is authorized by the Act of July 2, 1940 (Public No. 703, 76th Congress.)

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-5408; Filed, July 28, 1941; 10:02 a. m.]

[Contract No. W-849-ORD-1]

SUMMARY OF CONTRACT FOR SUPPLIES[1]

CONTRACTOR: SCULLIN STEEL CO.

Contract for Bomb Bodies, * * *, Aircraft, General Purpose, * * *, including Components and Container Units.

Amount: $1,499,270.45.

Place: St. Louis Ordnance District, St. Louis, Missouri.

The supplies to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authorities:

ORD 50,086 P013-02A 1005-01
ORD 50,087 P013-02A 1005-01

the available balances of which are sufficient to cover cost of same.

This contract, entered into this 21st day of June, 1941.

Scope of this contract. The contractor shall furnish and deliver Bomb Bodies * * * Aircraft General Purpose, * * *, including Components and Container Units for the consideration stated one million, four hundred ninety-nine thousand, two hundred seventy dollars and forty-five cents ($1,499,270.45) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and

[1] Approved by the Chief of Ordnance June 30, 1941.

without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantities on this contract by as much as * * * per cent and at the unit prices specified in Article 1, such option to be exercised within * * * days from date of this contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

This contract is authorized by the Act of Congress approved July 2, 1940, (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-5409; Filed, July 28, 1941; 10:02 a. m.]

[Supplemental Contract No. A]

SUMMARY OF SUPPLEMENTAL CONTRACT TO COST-PLUS-A-FIXED-FEE COLLATERAL CONTRACT NO. W 7011 QM-1,[1] DATED DECEMBER 31, 1940, TO CONTRACT NO. W ORD 494 DATED DEC. 27, 1940, BETWEEN THE UNITED STATES OF AMERICA AND THE PROCTOR & GAMBLE DEFENSE CORPORATION FOR THE CONSTRUCTION OF AN AMMUNITION LOADING PLANT NEAR MILAN, TENN. (WOLF CREEK)[2]

CONTRACTOR: THE H. K. FERGUSON COMPANY, HANNA BUILDING, CLEVELAND, OHIO

Estimated cost: Original, $11,741,200; supplemental, $2,640,130; Cumulative total including prior changes, $14,381,330.

Fixed fee: Original, $73,170; supplemental, $4,850; Cumulative total including prior changes, $78,020.

Supplemental contract for: Architectural-Engineering services in connection with the construction of an additional line to the Ammunition Loading Plant.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. ORD 8191 P2-3211 A 0141-01 the available balance of which is sufficient to cover the cost of same.

This supplemental contract, entered into this 3d day of June 1941.

There is now in full force and effect between the parties hereto a certain contract which provides for the architectural-engineering services in connection with the construction of an Ammunition Loading Plant at Wolf Creek, near Milan, Tennessee bearing date of December 31, 1940, and being identified as Contract No. W 7011 qm-1, (hereinafter referred to as the "principal contract").

The parties do hereby mutually agree that the said principal contract above described shall be and the same is hereby modified in the following manner:

Add the following to the description of the construction work now set forth in Article I of the principal contract:

Construct additional facilities to present ammunition loading plant consisting of an additional line having a capacity of * * * fixed-rounds * * * or * * * fixed-rounds * * * or equivalent with corresponding primers, boosters and fuzes for the foregoing types of ammunition, and shall furnish all labor and materials required to construct the additional facilities.

Add a new paragraph at the end of Section 1, Article I of the principal contract as follows:

The estimated cost of the work included in this Supplemental Contract is $2,640,130.00.

Delete sub-paragraph "a" of Section 1 of Article VI of the principal contract, relating to the fixed-fee and insert in lieu thereof the following:

a. A fixed-fee in the amount of $78,020 which shall constitute complete compensation for the Architect-Engineer's services.

The principal contract, except as modified and amended by this instrument, shall be and remain in full force and effect.

This supplemental contract is authorized by Public No. 703, 76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-5410; Filed, July 28, 1941; 10:02 a. m.]

[Supplemental Contract No. A]

SUMMARY OF SUPPLEMENTAL CONTRACT TO COST-PLUS-A-FIXED-FEE COLLATERAL CONTRACT NO. W 7011 QM-2,[1] DATED DECEMBER 31, 1940 TO CONTRACT NO. W ORD 494, DATED DEC. 27, 1940, BETWEEN THE UNITED STATES OF AMERICA AND THE PROCTER & GAMBLE DEFENSE CORPORATION FOR THE CONSTRUCTION OF AN AMMUNITION LOADING PLANT NEAR MILAN, TENN. (WOLF CREEK)[2]

CONTRACTORS: THE H. K. FERGUSON CO., HANNA BUILDING, CLEVELAND, OHIO; AND OMAN CONSTRUCTION CO., M'MURRAY & HOLMAN STREETS, NASHVILLE, TENNESSEE

Estimated cost: Original, $8,162,055; supplemental, $2,587,152;[3] Depot, $7,949,043; Cumulative total including prior changes, $18,698,250.

Fixed fee: Original, $279,145; supplemental, *$52,978; Depot, $162,777; Cumulative total including prior changes, $494,900.

Supplemental contract for: Construction of an addition to the Loading Plant and new Ammunition Storage Depot.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority No. ORD 8191 E.T. of E. S. A. (0141).116-02 (Loading Plant) QM 18012 PL 29 77 A 0540-12 (Depot) the available balance of which is sufficient to cover the cost of same.

This supplemental contract, entered into this 3rd day of June, 1941.

There is now in full force and effect between the parties hereto a certain contract which provides for the Construction of a plant for the loading of fixed-rounds, shells, boosters and fuzes near Milan, Tennessee bearing date of December 31, 1940, and being identified as Contract No. W 7011 qm-2, (hereinafter referred to as the "principal contract").

The parties do hereby mutually agree that the said principal contract above described shall be and the same is hereby modified in the following manner.

Add the following to the description of the work now set forth in Article I of the principal contract:

Additions to ammunition loading plant. Construct additional facilities to present ammunition loading plant consisting of an additional line having a capacity of * * * fixed-rounds * * * or * * * fixed-rounds * * * or equivalent with corresponding primers, boosters and fuzes for the foregoing types of ammunition, and shall furnish all labor and materials required to construct the additional facilities.

Ordnance ammunition depot. Construct a magazine area containing * * * magazines * * *.

Add to Section 1, Article I of the principal contract, a new paragraph between the second and third paragraphs relating to the estimated cost for the supplemental work to read as follows:

The estimated cost of the construction work covered by this supplemental contract exclusive of the Contractors' fee is $10,536,195.

---

[1] 6 F.R. 655.
[2] Approved by the Under Secretary of War June 28, 1941.

[1] 6 F.R. 655.

[2] Approved by the Under Secretary of War June 27, 1941.
[3] Loading Plant.

Delete subparagraph (c) of Section 1, Article I of the principal contract relating to the fixed-fee, and insert in lieu thereof the following paragraph:

A fixed-fee in the amount of $494,900 which shall constitute complete compensation for the Contractors' services, including profit and all general overhead expenses.

The principal contract, except as modified and amended by this instrument, shall be and remain in full force and effect.

This supplemental contract is authorized by Public No. 703, 76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 41-5411; Filed, July 28, 1941; 10:03 a. m.]

[Supplemental Contract No. A]

SUMMARY OF SUPPLEMENTAL CONTRACT TO COST-PLUS-A-FIXED-FEE CONTRACT NO. W 7011 QM-3, DATED MARCH 29, 1941, FOR ARCHITECTURAL-ENGINEERING SURVEY AND STUDY IN CONNECTION WITH THE PROPOSED CONSTRUCTION OF AN AMMUNITION STORAGE DEPOT NEAR MILAN, TENNESSEE [1]

CONTRACTOR: THE H. K. FERGUSON COMPANY, HANNA BUILDING, CLEVELAND, OHIO

Estimated cost: Original, $9,200,000; based on preliminary study, $8,111,820;

Fixed fee: Original, preliminary study, $10,000; supplemental, $35,150, cumulative total, $45,150.

Supplemental contract for: Architectural-Engineering services in connection with the construction of an Ammunition Storage Depot.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 7470 P1-3211 A 0540-13, the available balance of which is sufficient to cover the cost of same.

This supplemental contract, entered into this 3rd day of June, 1941.

There is now in full force and effect between the parties hereto a certain contract which provides for an engineering survey and study to determine the layout and design data and estimate of cost for the construction of an Ammunition Storage Depot at Wolf Creek, near Milan, Tennessee, bearing date of March 29, 1941, and being identified as Contract No. W 7011 qm-3, (hereinafter referred to as the "principal contract").

The Government and the Contractor now desire to modify said principal contract to provide for the preparation of final designs, working drawings, specifications and supervision for the construction of the Ammunition Storage Depot as hereinafter indicated and have agreed to such modification upon the terms and conditions hereinafter set out.

The parties do hereby mutually agree that the said principal contract above described shall be and the same is hereby modified in the following manner:

The description of the work and cost estimate set forth in Article 1 of the principal contract, is hereby described more in particular by adding the following paragraph:

Construction of a new ordnance depot * * *.

Add the following to Paragraph 1, Article II of the principal contract, relating to the extent of services:

Adapt Government designs, specifications and standards for buildings and other structures as necessary to meet the requirements of the approved layout of the proposed project, and prepare detailed designs, specifications and drawings in required form for utilities and other structures for which Government designs are incomplete or unavailable.

When preliminary drawings are approved by the Contracting Officer, prepare final designs, detailed working drawings and specifications in accordance with Government standards necessary for the effective coordination and efficient execution of the construction work and revise the drawings and specifications as required by the Contracting Officer.

Prepare an estimate of the cost of the proposed project based on the approved designs, drawings and specifications therefor.

* * * Supervise the work designed by him to insure the construction of every part of the work in accordance with the approved drawings and specifications referred to in Paragraph "a" of this article.

Delete Subparagraph 2 of Section 1, Article VI of the principal contract, relating to the fixed-fee and insert in lieu thereof the following:

A fixed-fee in the amount of forty-five thousand one hundred fifty ($45,150) dollars which shall constitute complete compensation for the Architect-Engineer's services.

The principal contract, except as modified and amended by this instrument shall be and remain in full force and effect.

This supplemental contract is authorized by Public No. 703, 76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 41-5412: Filed, July 28, 1941; 10:03 a. m.]

---

[1] Approved by the Under Secretary of War June 27, 1941.

[Contract No. W 7011 qm-3; O. I. No. 15-41]

SUMMARY OF COST-PLUS-A-FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES [1]

ARCHITECT-ENGINEER: THE H. K. FERGUSON COMPANY, HANNA BUILDING, 14TH AND EUCLID AVENUE, CLEVELAND, OHIO

Amount fixed fee: $10,000.

Type of construction project: Construction of an Ordnance Depot, including necessary administration buildings, temporary structures, utilities and appurtenances thereto.

Location: Milan, Tennessee.

Type of service: Architectural-Engineering.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 7470 2nd Supp. A 0540.068-N the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 29th day of March 1941.

ARTICLE I. *Description of the work.* The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: Construction of a new Ordnance Depot and appurtenances thereto as may be required, (hereinafter referred to as "the project"), at Milan, Tennessee, and estimated to cost $9,200,000.

ART. II. *Character and extent of services.* Prepare preliminary studies, sketches and cost estimates, together with approximate estimates of materials requirements.

When preliminary drawings are approved by the Contracting Officer, prepare preliminary designs, sketches and specifications necessary for the later preparation of final designs, working drawings and specifications.

ART. III. *Data to be furnished by the Government.* The Government shall furnish the Architect-Engineer available schedules of preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

ART. VI. *Fixed-fee and reimbursement of expenditures.* In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of ten thousand ($10,000) dollars which shall constitute complete compensation for the Architect-Engineer's services.

b. Reimbursement for the following expenditures:

---

[1] Approved by the Under Secretary of War May 6, 1941.

Reimbursement under this Article shall include all actual expenditures directly chargeable to the work and services provided herein.

ART. VIII. *Method of payment.* Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and the amount of the Architect-Engineer's fixed fee earned. Upon completion of the project, the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

ART. IX. All drawings, specifications, and blue prints are to become the property of the Government.

ART. XII. *Changes in scope of project.* The Contracting Officer may at any time, by a written order, make changes in the scope of the work contemplated by this contract.

ART. XIV. *Termination for cause or for convenience of the Government.* The Government may terminate this contract at any time, and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws:

Public No. 309, 76th Congress, Approved August 7, 1939.

Public No. 611, 76th Congress, Approved June 13, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-5413; Filed, July 28, 1941; 10:03 a. m.]

[Contract No. W 7115 qm-1; O. I. No. 1-41]

SUMMARY OF FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES [1]

ARCHITECT-ENGINEER: GIEB-LAROCHE-DAHL-CHAPPELL, 12TH FLOOR, TEXAS BANK BUILDING, DALLAS, TEXAS

Amount fixed fee: $60,136.00.

Estimated construction cost (Art. V-2): $9,351,691.00.

Type of construction project: Ordnance Depot.

Location: Texarkana, Texas.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 18091 CBUA A0540-12 the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 23rd day of June, 1941.

ARTICLE I. *Description of the work.* The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: The construction of an Ordnance Storage Depot including necessary buildings, temporary structures, utilities and appurtenances thereto at Texarkana, Texas.

ART. II. *Data to be furnished by the Government.* The Government will furnish the Architect-Engineer essential schedules of preliminary data, layout sketches, and other essential information respecting sites, topography, soil conditions, outside utilities and equipment as may be available for the preparation of preliminary sketches and the development of final drawings and specifications.

ART. V. The present preliminary estimated construction cost of the project on which the services of this contract are based is approximately nine million three hundred fifty-one thousand six hundred ninety-one dollars ($9,351,691.00) exclusive of Architect-Engineer's fixed fee.

ART. VI. *Fixed-fee and reimbursement of expenditures.* In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of sixty thousand one hundred thirty-six dollars ($60,136.00) which shall constitute complete compensation for the Architect-Engineer's services.

b. In addition to the payment of the fixed fee as specified herein, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

ART. VIII. *Method of payment.* Payments of reimbursable cost items and of 90% of the amount of the Architect-Engineer's fee earned shall be made on vouchers approved by the Contracting Officer on standard forms as soon as practicable after the submission of statements, supported by original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, rentals, and all other supporting data. Upon completion of the project and its final acceptance the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

ART. IX. *Drawings and other data to become property of Government.* All drawings, designs and specifications are to become the property of the Government.

ART. XII. *Changes in scope of project.* The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

ART. XIII. *Termination for cause or for convenience of the Government.* The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws:

Public No. 611—76th Congress, approved June 13, 1940

Public No. 703—76th Congress, approved July 2, 1940

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-5414; Filed, July 28, 1941; 10:04 a. m.]

[Contract No. W 7115 qm-2; O. I. No. 2-41]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT [1]

CONTRACTOR: BROWN & ROOT, INC., BOX #3, HOUSTON, TEXAS

Contract for construction of: Ordnance Depot.

Location: Texarkana, Texas

Fixed fee: $228,200.

Estimated construction cost exclusive of fixed fee: $9,123,491.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: QM 18090 CBUA A0540-12.

This contract, entered into this 25 day of June, 1941.

ARTICLE I. *Statement of work.* The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government and services, and do all things necessary for the completion of the following work: The construction of an Ordnance Storage Depot including necessary buildings, temporary structures, utilities and appurtenances thereto at Texarkana, Texas.

It is estimated that the construction cost of the work covered by this contract will be nine million, one hundred twenty-three thousand four hundred ninety-one Dollars ($9,123,491) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of two hundred twenty-eight thousand two hundred dollars ($228,200) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, without notice to the sureties, if any, by a written order, issue additional instructions, require additional work or

[1] Approved by the Under Secretary of War June 30, 1941.

[1] Approved by the Under Secretary of War June 30, 1941.

services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

ART. III. *Payments — Reimbursement for cost.* The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original of signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for constructor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

ART. VI. *Termination of contract by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This Contract is authorized by the following law: Public 703—76th Congress. Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-5415; Filed, July 28, 1941; 10:04 a. m.]

[Contract No. W-271-ORD-562]

SUMMARY OF CONTRACT FOR SUPPLIES [1]

CONTRACTOR: INTERNATIONAL HARVESTER COMPANY

Contract for: * * * Heavy Tractors, * * *, together with * * * spare parts and safety belts.

Amount: $2,155,553.21.

Place: Chicago Ordnance District Office, 38 South Dearborn Street, Chicago, Illinois.

The * * * Heavy Tractors, * * *, together with * * * spare parts and safety belts to be obtained under this contract are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authority O. S. & S. A. ORD 9528 P 11-30 A 1005-01, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 12th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Heavy tractors, * * *, together with * * * spare parts and safety belts for the consideration stated of two million one hundred fifty-five thousand five hundred fifty-three dollars and twenty-one cents ($2,155,553.21) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

This contract is authorized by the Act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-5416; Filed, July 28, 1941; 10:05 a. m.]

[Contract No. W 535 ac-19608; 5040]

SUMMARY OF CONTRACT FOR SUPPLIES [1]

CONTRACTOR: BEECH AIRCRAFT CORPORATION

Contract for: * * * Airplanes, Spart Parts Therefor & Data.

Amount: $19,153,750.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover costs of same:

AC 34 P 12-30 A 0705-12
AC 28 P 82-30 A 0705-12

This contract, entered into this 29th day of May 1941.

Scope of this contract. The contractor shall furnish and deliver * * * airplanes, spare parts and data for the consideration stated nineteen million one hundred fifty-three thousand seven hundred fifty dollars ($19,153,750.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

---

[1] Approved by the Chief of Ordnance June 30, 1941.

[1] Approved by the Under Secretary of War June 5, 1941.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

It is understood and agreed that certain plant facilities, in addition to those now available to the Contractor, will be required by the Contractor to enable him to comply with the terms of this contract.

Price adjustment. The contract prices stated in this contract for airplanes and spare parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the airplanes and spare parts.

Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

Fire insurance. The contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government. Such property is to be considered as delivered to the Government upon its final acceptance.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract is authorized under tne provisions of section 1 (a) Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-5417; Filed, July 28, 1941; 10:05 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1784-FD]

IN THE MATTER OF STERLING COAL & SUPPLY COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 8712, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not the respondent in the above-entitled matter, Sterling Coal & Supply Company, Registered Distributor, Registration No. 8712, whose address is 1116 City National Bank Building, Omaha, Nebraska, has violated any provisions of the Act, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the agreement ("Agreement") dated April 10, 1939, executed by the respondent pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Division on July 1, 1939, or any orders or regulations of the Division; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. The respondent violated section 4 II (h) of the Act, Rule 2 (c) (2) and Rule 4 of section V of the Marketing Rules and Regulations, and paragraphs (a) and (e) of the Agreement, during the period November 6 to December 10, 1940, both dates inclusive, by purchasing for resale from the Robinson Coal Company, Code member, approximately 146 tons of 1¼", Size Group 13, washed mill coal produced by said Code member at its Mohawk Mine, Mine Index No. 89 located in District 15 at $1.30 per net ton f. o. b. said mine, less 12 cents per net ton discount, said price being the industrial use price, as defined in Price Instruction 9, Part 1, of the Schedule of Effective Minimum Prices for District 15, and reselling such coal to the Omaha & Council Bluffs Street Railway of Omaha, Nebraska, at the applicable minimum price of $1.65 per net ton f. o. b. said mine for commercial use by said consumer, as that usage is defined in said Price Instruction of said Schedule, thereby realizing, accepting, and retaining a discount on such transaction in excess of the maximum of 12 cents per net ton allowable therefor as prescribed in the Order of the Director dated June 9, 1940, in General Docket No. 12.

It is ordered, That a hearing pursuant to Section 304.14 of the Rules and Regulations For the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, be held on September 15, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Court Room No. 1, County Court House, Omaha, Nebraska.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: July 25, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5419; Filed, July 28, 1941; 10:18 a. m.]

[Docket No. A-804]

PETITION OF C. W. DOBBS (MINE INDEX NO. 2474), A PRODUCER IN DISTRICT NO. 8, FOR A REDUCTION IN EFFECTIVE MINIMUM PRICES FOR TRUCK SHIPMENT TO MARKET AREA 101

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 28, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in

such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 23, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of C. W. Dobbs (Mine Index No. 2474), District No. 8, requesting that the effective minimum price on mine run coal be reduced to $1.70 per ton for truck shipment to the Belle Alkali Company, Belle, West Virginia.

Dated: July 25, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–5420; Filed, July 28, 1941; 10:18 a. m.]

[Docket No. 1707–FD]

IN THE MATTER OF V. & M. COAL COMPANY, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 2, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 11, 1941, by Bituminous Coal Producers Board for District No. 4, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 2, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Youngstown, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, between October 1, 1940 and November 30, 1940, both dates inclusive, sold approximately 30 tons of Cannel coal chips, produced at its V. & M. Mine (Mine Index No. 1998) located in Mahoning County, Ohio, District No. 4, at $1.25 per net ton, delivered to trucks f. o. b. the mine, in the quantities and to the purchasers enumerated below:

To one "Buzzard" 2500 pounds at $1.25 per ton

To one "DeLautner" 9700 pounds at $1.25 per ton

To one "Wolfang" 4800 pounds at $1.25 per ton

To one "Waller" 1300 pounds at $1.25 per ton

To one "Cleveland" 1600 pounds at $1.25 per ton

To one "Price" 1900 pounds at $1.25 per ton

To one "Gibbony" 3500 pounds at $1.25 per ton

To one "Atkins" 2400 pounds at $1.25 per ton

To one "Berkey" 6600 pounds at $1.25 per ton and

To one "Love Coal Company" 19,000 pounds at $1.00 per ton.

Whereas, the effective minimum price for said Cannel coal chips was $1.95 per ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices, for District No. 4, for Truck Shipments.

Dated: July 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–5421; Filed, July 28, 1941; 10:18 a. m.]

[Docket No. 1607–FD]

IN THE MATTER OF THE WHITE OAK COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 9662, DEFENDANT

ORDER FOR CANCELATION OF HEARING

The hearing in the above-entitled matter having been scheduled for July 28, 1941, at the hearing room of the Bituminous Coal Division, 921 Federal Building, Detroit, Michigan; and

An order having been entered on July 24, 1941, for the suspension of the registration of the defendant as distributor, pursuant to the stipulation of the defendant on July 18, 1941;

Now therefore it is ordered, That the hearing be and the same is hereby cancelled.

Dated: July 26, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–5422; Filed, July 28, 1941; 10:18 a. m.]

[Docket No. 1607–FD]

IN THE MATTER OF WHITE OAK COAL COMPANY, REGISTRATION NO. 9662, DEFENDANT

ORDER OF SUSPENSION OF REGISTRATION

The Notice of and Order for Hearing in the above-entitled matter dated March 20, 1941, having been duly made by the Director pursuant to the provisions of § 304.14 of the Rules and Regulations for the Registration of Distributors promulgated by the Bituminous Coal Division (the "Division") pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 (the "Act") to determine whether White Oak Coal Company ("White Oak"), a registered distributor, Registration No. 9662, defendant in the above-entitled matter, has violated the provisions of the Bituminous Coal Code (the "Code") or regulations thereunder subsequent to September 30, 1940, in the delivery to Davy Fuel and Supply Company of Detroit, Michigan, of large quantities of coal produced at various mines of the New River Company, ("New River"), code member, District No. 7, located in Fayette and Raleigh Counties, West Virginia, by all-rail to the retail yards of said Davy Fuel and Supply Company at Detroit, Michigan, and by rail and lake to the docks of said Davy Fuel and Supply Company at Detroit, Michigan; and

Said Notice of and Order for Hearing having been duly served upon the defendant on March 26, 1941; and

The defendant having by stipulation made July 18, 1941, the original of which is on file with the Division, admitted violating the Code and corresponding provisions of the Act, the Marketing Rules and Regulations and the Distributor's Agreement hereinafter and in said Notice of and Order for Hearing more fully described; and having consented to the making and entry of this order of suspension of registration; and

The defendant by said stipulation having waived (a) a hearing pursuant to the Notice of and Order for Hearing herein; (b) oral argument and the filing of briefs before the Director or the presiding officer; (c) the preparation and submission of any report, findings of fact or recommendation by the Director or other presiding officer; (d) the presentation of oral argument before the Director or other presiding officer; and (e) the preparation and submission of tentative findings of fact or proposed order of the Director; and

The defendant having by said stipulation agreed (a) that it will not accept or retain any discounts from the effective minimum prices either directly or indirectly on coal purchased by it from code members or their agents or representatives during the period of suspension hereinafter described; (b) that it will not accept or retain any commissions as sales agent or sub-agent on coal sold during said period of suspension under any sales agency contract entered into or filed with the Division subsequent to January 1, 1941, unless such contract shall have been approved by the Director under and for the purposes of this Order; and (c) that during said period of suspension it will at all times observe and abide by all the provisions of the Act, the Code, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, the Distributor's Agreement, and all applicable orders of the Division.

1. *It is hereby found,* That:

(a) the defendant is a corporation duly organized and existing under and by virtue of the laws of the State of West Virginia with its principal office located at 409 Main Street, Mount Hope, West Virginia, and has been during the times herein mentioned and now is engaged under the powers granted to it by its corporate charter in the business of buying and selling coal;

(b) New River is a corporation duly organized and existing under and by virtue of the laws of the State of West Virginia with its principal office located at 405 Main Street, Mount Hope, West Virginia, and has been during the times herein mentioned and now is engaged under the powers granted to it by its corporate charter in the business of producing and selling bituminous coal;

(c) at all times herein mentioned New River was and now is a code member under the Act;

(d) New River at all times herein mentioned owned and now owns all of the outstanding shares of the capital stock of the defendant and controls the defendant's corporate acts and doings;

(e) the defendant acted as the duly authorized sales agent of New River in transactions hereinafter found; and

(f) on June 27, 1940, pursuant to order of the National Bituminous Coal Commission (the "Commission") entered in Docket No. 12, the defendant filed with the Division its application dated June 26, 1940, for registration as a distributor which was accompanied by its agreement executed June 26, 1940, (the "Distributor's Agreement"), as a condition to granting of said application; that said application was approved by the Division on July 1, 1940, and Certificate No. 9662 was issued to the defendant authorizing it to act as a registered distributor; and that the defendant has ever since said last mentioned date and is now acting as a registered distributor.

2. *It is hereby further found,* That the defendant has wilfully violated the provisions of the Act, the Code, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors and the Distributor's Agreement during the period subsequent to September 30, 1940, in the delivery to Davy Fuel and Supply Company of Detroit, Michigan, of large quantities of coal produced at various mines of New River, by all-rail to the rail yards of the said Davy Fuel and Supply Company at Detroit, Michigan:

(a) Section 4 II (i) (3) of the Act, the Rules and Regulations for the Registration of Distributors and Sections (c) and (e) of the Distributor's Agreement by prepaying freight charges upon all-rail shipments of such coal in violation of Rule 1 (J) of section VII and Rule 3 of section XIII of the Marketing Rules and Regulations;

(b) Section 4 II (i) (6) and (7) of the Act, the Rules and Regulations for the Registration of Distributors, and sections (c) and (e) of the Distributor's Agreement, by prepaying freight charges upon such all-rail shipments of coal and failing to invoice said freight charges to the buyer for immediate payment, in violation of Rule 1 (J) of section VII and Rules 6 and 7 of section XIII of the Marketing Rules and Regulations;

(c) Section 4 II (i) (6) and (7) of the Act, the Rules and Regulations for the Registration of Distributors, and sections (c) and (e) of the Distributor's Agreement by shipping a large quantity of said coal via all-rail movement upon terms of payment extending beyond the period of the twentieth day of the month following the month in which the shipments were made, in violation of Rule 1 (A) of section VII and Rules 6 and 7 of section XIII of the Marketing Rules and Regulations.

Now, therefore, based upon the above findings and upon the defendant's stipulation and agreement that it will not (a) accept or retain any discounts from the effective minimum prices either directly or indirectly on coal purchased by it from code members or their agents or representatives during the period of suspension hereinafter described; (b) that it will not accept or retain any commissions as sales agents or subagent on coal sold during said period of suspension under any sales agency contract entered into or filed with the Division subsequent to January 1, 1941, unless such contract shall have been approved by the Director under and for the purposes of this order; and (c) that during said period of suspension it will at all times observe and abide by all the provisions of the Act, the Code, the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, the Distributor's Agreement, and all applicable orders of the Division.

It is ordered, That the registration of the defendant, White Oak Coal Company, as a registered distributor is hereby suspended for a period of thirty (30) days from the date of service hereof upon defendant and that the defendant, its officers, representatives, agents, servants, employees and attorneys and all affiliates of the defendant and all officers and agents of any thereof shall be and they are hereby prohibited from

accepting or retaining any discounts from the effective minimum prices either directly or indirectly on coal purchased by it, them or any of them during said period of suspension from code members or their agents or representatives; provided, however, that if the defendant shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors at least five (5) days before the expiration of said period of suspension, said suspension shall continue in full force and effect until five (5) days after the affidavit required by said § 304.15 shall have been filed with the Division.

It is further ordered, That the defendant during said period of suspension shall continue fully to observe, abide by and remain in all respects subject to all pertinent and applicable provisions of the Act, the Code, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, the Distributor's Agreement, the effective minimum prices and all applicable orders of the Division.

It is further ordered, That in the event that the defendant shall hereafter violate any of the agreements set forth in said stipulation this matter may be reopened and such action taken and orders entered herein as to the Director may seem just and proper under the circumstances, and that jurisdiction of this matter is hereby expressly reserved for such purposes.

Dated: July 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5423; Filed, July 28, 1941; 10:19 a. m.]

[Docket No. 1690-FD]

IN THE MATTER OF THE NEW RIVER COMPANY, MOUNT HOPE, WEST VIRGINIA, CODE MEMBER, DEFENDANT

ORDER TERMINATING CODE MEMBERSHIP, PROVIDING FOR PAYMENT OF TAX FOR REINSTATEMENT AND DIRECTING DEFENDANT TO CEASE AND DESIST FROM FURTHER VIOLATIONS

A complaint, dated May 12, 1941, in the above-entitled matter, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, (the "Act") having been filed by the Bituminous Coal Producers Board for District No. 7, complainant, with the Bituminous Coal Division, (the "Division") alleging that the defendant wilfully violated the provisions of the Bituminous Coal Code (the "Code"), the effective minimum prices and the Marketing Rules and Regulations and the complaint herein having been duly served upon the defendant on July 17, 1941;

The defendant, by stipulation dated July 18, 1941, the original of which is on file with the Division, having admitted the truth of the allegations of the complaint in respect to part of the coal therein described, and having consented to the making and entry of this order; and

The defendant, having by said stipulation, further stipulated and agreed that neither said stipulation nor this order shall constitute a waiver by or on behalf of any persons entitled to file a complaint under section 4 II (j) and 5 of the Act, or either of them, of any right, penalty or forfeiture which they may respectively have against the defendant by reason of any violation other than that alleged in the complaint herein or a waiver by or on behalf of any code member of any right which he may have against the defendant pursuant to section 5 (d) of the Act in respect to the violations alleged in the complaint herein; and

The defendant having agreed that forthwith upon the entry of this order it will immediately pay to the United States Government the amount of the tax, namely, four thousand nine hundred seventy-two dollars and nine cents ($4,-972.09), stipulated by it to be the amount required to be paid by sections 5 (b) and (c) of the Act as a condition to reinstatement of its membership in the Code and having further agreed that in the event of its failure to pay such amount within ten (10) days after service of this order on the defendant, the Director in his discretion may immediately vacate, revoke, cancel or annul this order and thereupon take such further steps or action in this proceeding as he may deem fit.

Now, therefore, Pursuant to the authority vested in the Director by section 4 II (j) of the Act authorizing him to adjust complaints of violations and compose the differences of the parties thereto and upon said stipulation on file herein;

It is hereby found, As follows:

(a) defendant is a corporation duly organized and existing under and by virtue of the laws of the State of West Virginia, with its principal office located at 405 Main Street, Mount Hope, West Virginia, and is engaged under the powers granted to it by its corporate charter in the business of producing and selling bituminous coal;

(b) on June 17, 1937, defendant filed with the National Bituminous Coal Commission (the "Commission") its acceptance, dated June 15, 1937, of the Code; said acceptance was approved by the Commission on July 3, 1937, to take effect as of the date of the promulgation of the Code, June 21, 1937, and defendant has been since the last-mentioned date and is now, a code member in District No. 7, operating numerous mines in said District;

(c) White Oak Coal Company ("White Oak") is a corporation organized and existing under and by virtue of the laws of the State of West Virginia, with its principal office located at 409 Main Street, Mount Hope, West Virginia, and is engaged under the powers granted to it by its corporate charter in the business of buying and selling coal;

(d) on June 27, 1940, pursuant to order of the Commission dated March 24, 1939, and entered in Docket No. 12, White Oak filed with the Division its application dated June 26, 1940, for registration as a Registered Distributor; said application was approved by the Division on July 1, 1940 and Certificate No. 9662 was issued to White Oak authorizing it to act as a Registered Distributor, and White Oak has been ever since said last-mentioned date, and is now, acting as a Registered Distributor; and

(e) defendant owns all of the outstanding corporate shares of the capital stock of White Oak, and controls its corporate acts and doings, and White Oak acted as the duly authorized agent of the defendant in the transactions hereinafter described.

It is hereby further found, That the defendant wilfully violated the provisions of the Act and the Code and the effective minimum prices established thereunder and the provisions of the Marketing Rules and Regulations as alleged in the complaint to the following extent and in the following manner:

(a) White Oak, acting as exclusive sales agent for the defendant, with the consent and approval of the defendant, entered into conditional sales contracts or agreements for the sale of coal with Davy Fuel and Supply Company and Palmer Coal & Coke Company of Detroit, Michigan;

(b) under the terms of said contracts or agreements, White Oak prepaid the freight charges on all-rail as well as on lake cargo shipments to the respective yards of said purchasers; subsequent to September 30, 1940, the defendant shipped all-rail to said purchasers an aggregate of 4,302.65 tons of coal produced by it and on which White Oak prepaid the freight charges;

(c) in pursuance of said contracts or agreements, White Oak retained title to all coal shipped to the respective yards of said purchasers until such time as said purchasers resold the coal and paid White Oak therefor and for the transportation charges thereon prepaid by White Oak; and

(d) in accordance with the terms of said contracts, or agreements, said purchasers did not pay for any coal so shipped to their yards or the freight thereon from the mine where produced to the retail yard where stored until such time as they, respectively, resold the same and collected payment therefor; said contracts or agreements did, however, require the purchasers to pay White Oak in any event within sixty (60) days after such resales whether or not said purchasers collected for the coal so resold by them, respectively.

It is hereby further found, That said transactions of the defendant, by or through the instrumentality of White

Oak, resulted in the violations of the provisions of the Act and the Code and the effective minimum prices established thereunder and of the provisions of the Marketing Rules and Regulations, as follows:

(1) said prepayment of freight charges on all-rail shipments constituted violations of section 4 II (i) 3 of the Act, Part II (i) 3 of the Code, and Rule 1 (J) of section VII and Rule 3 of section XIII of the Marketing Rules and Regulations;

(2) said failures to invoice to said purchasers for immediate payment of freight charges on shipments of coal prepaid by said White Oak constituted violations of Rule 1 (J) of section VII, Rules 6 and 7 of section XIII of the Marketing Rules and Regulations, and section 4 II (i) 6 and 7 of the Act and Part II (i) 6 and 7 of the Code; and

(3) said extensions of terms of payment on all-rail shipments beyond the period of the 20th day of the month following the month in which such shipments were made constituted violations of Rule 1 (A) of section VII and Rules 6 and 7 of section XIII of the Marketing Rules and Regulations and section 4 II (i), 6 and 7 of the Act and Part II (i), 6 and 7 of the Code.

It is hereby further found, That the coal so sold by the defendant in violation of the Act and the Code and the effective minimum prices established thereunder and of the provisions of the Marketing Rules and Regulations is as follows:

Palmer Coal & Coke Company

Date of shipment	Name of mine	Grade of coal	Tonnages	Effective minimum price per net ton f. o. b. the mine	Aggregate effective minimum price f. o. b. the mine
1940					
October	Skelton	Nut	52.15	$2.50	$130.38
		Stove	45.20	3.10	140.12
	Cranberry	Stove	108.20	3.10	335.42
November	Cranberry	Nut	49.70	2.50	124.25
	Skelton	Nut	207.95	2.50	519.88
December	Skelton	Stove	639.90	3.10	1,983.71
	Cranberry	Stove	43.60	3.10	135.16
Total			1,146.70		$3,368.92

Davy Fuel and Supply Company

Date of shipment	Name of mine	Grade of coal	Tonnages	Effective minimum price per net ton f. o. b. the mine	Aggregate effective minimum price f. o. b. the mine
1940					
November	Skelton	Stove	809.00	$3.10	$2,507.91
	Cranberry	Stove	98.35	3.10	304.89
	Oakwood	Nut	246.60	2.50	616.50
December	Skelton	Nut	409.20	2.50	1,023.01
		Stove	698.50	3.10	2,165.36
	Oakwood	Stove	52.55	3.10	162.91
	Oswald	Stove	212.65	3.10	659.22
	Cranberry	Stove	194.00	3.10	601.40
	Tamroy	Stove	435.10	3.10	1,348.82
Total			3,155.95		9,390.02

It is hereby further found, That the amount of tax imposed by sections 5 (b) and (c) of the Act and required to be paid by the defendant as a condition to reinstatement of its membership in the Code is Four Thousand Nine Hundred Seventy-two Dollars and Nine Cents ($4972.09), which amount is 39% of the effective minimum price of twelve thousand seven hundred forty-eight dollars and ninety-four cents ($12,748.94) for said coal.

Now, therefore, Based upon the above findings and said stipulation of the defendant consenting to the entry of an order herein cancelling and revoking its membership in the Code by reason of said violations and directing the defendant, its officers, representatives, agents, servants, employees and attorneys and all persons acting or claiming to act in its behalf or interest to cease and desist, and permanently enjoining and restraining them respectively, from violating the Code, the Act, the Marketing Rules and Regulations, and the effective minimum prices, and providing that the restraining provisions of said order shall continue in full force and effect upon any restoration of the defendant's code membership pursuant to section 5 (c) of the Act, and the agreement of the defendant in said stipulation that it will immediately, upon service hereof upon the defendant, pay to the United States Government the amount of the tax, namely, Four Thousand Nine Hundred Seventy-two Dollars and Nine Cents ($4972.09) herein found to be the amount required to be paid by the defendant pursuant to section 5 (c) of the Act as a condition to reinstatement of its membership in the Code.

It is ordered, That the membership of the above-named defendant in the Code be and the same is hereby cancelled and revoked.

It is further ordered, That said cancellation and revocation of the code membership of the defendant shall become effective ten (10) days after service of this order upon the defendant.

It is further ordered, That the defendant, its officers, representatives, agents, servants, employees and attorneys, and all persons acting or claiming to act in its behalf or interest, cease and desist and they hereby are permanently enjoined and restrained from violating the provisions of the Code, the Act, the Marketing Rules and Regulations, and the effective minimum prices, and that the provisions hereof shall continue in full force and effect in respect to the defendant, its officers, representatives, agents, servants, employees and attorneys, and all persons acting or claiming to act in its behalf upon any restoration of the defendant's code membership, pursuant to section 5 (c) of the Act.

It is further ordered, That the Division, in its discretion, may apply to the Circuit Court of Appeals of the United States within any Circuit where the defendant resides and carries on business for the enforcement hereof.

Dated: July 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5424; Filed, July 28, 1941; 10:19 a. m.]

[Docket No. 1543-FD]

IN THE MATTER OF LUMAGHI COAL COMPANY, DEFENDANT

ORDER OF THE ACTING DIRECTOR APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER: AND ORDER OF DISMISSAL

This proceeding having been instituted upon a complaint duly filed with the Bituminous Coal Division on January 31, 1941 by Bituminous Coal Producers Board for District 10, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that Lumaghi Coal Company, a code member in District 10, the defendant, has wilfully violated the Schedule of Effective Minimum Prices, the Marketing Rules and Regulations, section 4 II (g) of the Bituminous Coal Act, and the provisions of the Bituminous Coal Code and regulations thereunder, by selling substantial quantities of coal during the months of October and November, 1940, to the City of St. Louis, Missouri, at prices which were below the effective minimum prices established therefor, and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violation of the Code and regulations thereunder; and

A hearing having been held before a duly designated Examiner of the Division, in St. Louis, Missouri, on March 24, 1941; and

The Examiner having made Proposed Findings of Fact and Conclusions of Law in this matter dated June 24, 1941; and

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed; and

The Acting Director having determined that the Proposed Findings of Fact and Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Acting Director:

It is therefore ordered, That the Proposed Findings of Fact and Conclusions of Law of the Examiner be, and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the Acting Director; and

It is further ordered, That the complaint of District Board No. 10 in this proceeding be, and it is hereby dismissed without prejudice.

Dated: July 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–5425; Filed, July 28, 1941; 10:19 a. m.]

[Docket No. 1551–FD]

IN THE MATTER OF CHARLES JANEWAY, DEFENDANT

ORDER OF THE ACTING DIRECTOR REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed on February 15, 1941, with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board No. 8, complainant, alleging wilful violation by Charles Janeway, trading as Burch and Janeway Coal Company, a code member in District 8, the defendant, of the Bituminous Coal Code, or Rules and Regulations thereunder, as follows:

That the defendant with full knowledge of the requirements contained in the effective Minimum Price Schedule for District No. 8, and with intent to violate the same and in violation thereof, sold, for shipment by truck, between October 1940 and February 6, 1941, 100 tons of 1½'' x ½'' coal (Size Group 5) produced by defendant at his mine (Mine Index No. 1499) located at Star Route No. 1, Bell County, Kentucky, at a price of $1.80 per net ton f. o. b. the mine; the effective minimum price established for such coal being $2.15 per net ton f. o. b. the mine;

Pursuant to an Order of the Director and after notice to all interested persons, a hearing having been held in this matter on March 20, 1941, at a hearing room of the Division at Knoxville, Tennessee;

The defendant, by a stipulation of record, having admitted the allegations of the complaint as to 50 tons of coal sold between January and February 1941; and having consented to the cancellation and revoking of his code membership on that basis;

All parties having joined in waiving the preparation and filing of a report by the Examiner; and the record of the proceeding thereupon having been submitted to the Acting Director for consideration,

The Acting Director having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the code membership of the defendant, Charles Janeway, trading as Burch and Janeway Coal Company, be and it is hereby revoked and cancelled.

Dated: July 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–5426; Filed, July 28, 1941; 10:20 a. m.]

[Docket No. A–861]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

[Docket No. A–861, Part II]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE WEST VIRGINIA COAL AND COKE CORPORATION, MICCO NO. 3 MINE, MINE INDEX NO. 328, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER SEVERING A PORTION OF DOCKET NO. A–861 RELATING TO MINE INDEX NO. 328 AND DESIGNATING SAME AS DOCKET NO. A–861, PART II; ORDER CONTINUING TEMPORARY RELIEF AND TERMINATING CONDITIONALLY FINAL RELIEF HERETOFORE GRANTED AS TO MINE INDEX NO. 328, PURSUANT TO SECTION 4 II (D) OF THE BITUMINOUS COAL ACT OF 1937; NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A–861, PART II

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8 not heretofore classified and priced, including the West Virginia Coal and Coke Corporation, Micco No. 3 Mine, Mine Index No. 328; and

The Director having issued an Order in the above-entitled matter on May 27, 1941, granting temporary relief and conditionally providing that such temporary relief shall be final sixty (60) days from the date thereof, unless the Director should otherwise order; said Order, *inter alia,* providing temporary and conditionally final prices for the West Virginia Coal and Coke Corporation, Micco No. 3 Mine, Mine Index No. 328; and

The West Virginia Coal and Coke Corporation having filed with this Division on July 3, 1941, a petition alleging that it is dissatisfied with the price classifications and minimum prices provided by the aforesaid Order for coals produced at its Micco No. 3 Mine, Mine Index No. 328, and requesting revision thereof;

Now, therefore, it is ordered, That the portion of Docket No. A–861 relating to Mine Index No. 328 be, and it hereby is, severed from the balance of the subject matter thereof, and designated as Docket No. A–861, Part II.

It is further ordered, That the temporary relief heretofore provided in the Order of the Director in Docket No. A–861, dated May 27, 1941, for Mine Index No. 328, be, and it hereby is, continued in effect until further Order herein, and that such temporary relief shall not become final at the expiration of sixty (60) days from May 27, 1941.

It is further ordered, That a hearing on the prayer for temporary and permanent relief in Docket No. A–861, Part II, be held under the applicable provisions of the Act and the Rules and Regulations of the Division on August 25, 1941, at 10 o'clock a. m., at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On said date the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 7, 1941.

All persons are hereby notified that the hearing in the above entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the establishment of permanent price classifications and minimum prices for the coals produced by the West Virginia Coal and Coke Corporation, Micco No. 3 Mine, Mine Index No. 328, a code member producer in District No. 8, which coals have not heretofore been classified and priced. The Order in Docket No. A-861 dated May 27, 1941, temporarily establishes a "C" classification in Size Groups 23, 25, and 26, and a "B" classification in Size Group 27. The West Virginia Coal and Coke Corporation now requests that the classification in Size Group 27 be changed from "B" to "D."

Dated: July 25, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5427; Filed, July 28, 1941; 10:20 a. m.]

[Docket No. 1563-FD]

IN THE MATTER OF EDWARD H. LOTT (LOTT ICE AND COAL COMPANY), REGISTERED DISTRIBUTOR, REGISTRATION NO. 5716, DEFENDANT

ORDER OF THE ACTING DIRECTOR APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER, AND SUSPENDING DISTRIBUTOR'S REGISTRATION

This proceeding having been instituted by the Bituminous Coal Division, pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, by a Notice of and Order for Hearing dated February 20, 1941, to determine whether Edward H. Lott, doing business as the Lott Ice and Coal Company, a registered distributor, Registration No. 5716, Carlinville, Illinois, has violated the Bituminous Coal Act of 1937 or regulations thereunder in any manner including but not in limitation thereof, the following: (1) the provisions of section 4 II (h) of the Act; and (2) the provisions of § 304.12 (b) of the Rules and Regulations for the Registration of Distributors, and of section (d) of the Agreement executed by said distributor pursuant to said section, subsequent to September 30, 1940, in the purchase of coal produced by the Gillespie Coal Company and the South Mine Company, code members located in District No. 10, and resold to various purchasers; and

Personal service of the Notice of and Order for Hearing having been made on the defendant on March 4, 1941; and

A hearing having been held before a duly designated Examiner of the Division in St. Louis, Missouri, on March 25, 1941; and

The Examiner having made Proposed Findings of Fact and Conclusions of Law in this matter dated June 24, 1941; and

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed; and

The Acting Director having determined that the Proposed Findings of Fact and Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Acting Director;

It is therefore ordered, That the Proposed Findings of Fact and Conclusions of Law of the Examiner be, and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the Acting Director.

It is further ordered, That, pursuant to the provisions of § 304.14 of the Rules and Regulations for the Registration of Distributors, Registration No. 5716 of Edward H. Lott, doing business as the Lott Ice and Coal Company, be suspended for a period of ninety (90) days from the date of the service of this order.

Dated: July 25, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5428; Filed, July 28, 1941; 10:20 a. m.]

[Docket No. A-743]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE REVISION OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11 FOR ALL SHIPMENTS EXCEPT TRUCK TO PROVIDE FOR THE ABSORPTION OF THE E. S. & N. RAILROAD SWITCHING CHARGE APPLICABLE ON SHIPMENTS FROM THE STERNBERG COAL CORPORATION'S STAR HILL MINE NO. 1 (MINE INDEX NO. 80)

ORDER OF THE ACTING DIRECTOR GRANTING PERMANENT RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by District Board 11, requesting the revision of Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck to provide for the absorption of the E. S. & N. Railroad switching charge applicable on shipments from the Star Hill Mine No. 1 (Mine Index No. 80), operated by the Sternberg Coal Corporation, a Code member in District 11.

A hearing having been held in this matter, pursuant to Orders of the Director, in Evansville, Indiana, before a duly designated Examiner of the Bituminous Coal Division, at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard at the hearing;

The preparation and filing of a report by the Examiner having been waived and the matter having been submitted to the Acting Director;

The Acting Director having made Findings of Fact and Conclusions of Law and having rendered an opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That commencing forthwith the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck be, and the same hereby is, amended by the establishment of the following Price Instruction and Exception:

On all shipments from the Star Hill Mine No. 1, Mine Index No. 80, to destinations located on, or reached via, the Southern Railway Company, except those located on, or reached via, the Chicago and Eastern Illinois Railway Company, the Chicago, Indianapolis and Louisville Railway Company, The New York Central Railroad Company, the Illinois Central Railroad Company, or The Pennsylvania Railroad; and on all shipments of locomotive fuel for use by the Southern Railway Company, the charge assessed by the Evansville, Suburban & Newburgh Railway Company for switching to the interchange with the Southern Railway Company may be absorbed, such absorption not to exceed $8.80 per car.

Dated: July 25, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5429; Filed, July 28, 1941; 10:21 a. m.]

Bureau of Reclamation.

RAPID VALLEY PROJECT, SOUTH DAKOTA

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 20, 1941.

THE SECRETARY OF THE INTERIOR:

SIR: It is recommended that the following described lands, excepting any tract the title to which has passed out of the United States, be withdrawn from public entry under the first form, as provided by section 10, Act of October 14, 1940 (54 Stat. 1119).

RAPID VALLEY PROJECT
Black Hills Meridian, South Dakota

T. 1 N., R. 2 E.,
Sec. 25, SE¼NE¼ and S½;
Sec. 36, N½N½.
T. 1 N., R. 3 E.,
Sec. 16, SW¼SW¼;
Sec. 17, SE¼SE¼;

Sec. 19, E½E½SE¼SW¼, SW¼SE¼;
Sec. 20, E½NE¼, SW¼NW¼, NE¼SW¼, SE¼;
Sec. 29, Lots 2, 3, W½NE¼, S½NW¼;
Sec. 30, Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, NW¼NE¼, NE¼NW¼, SE¼SW¼;
Sec. 31, Lot 5;
Sec. 32, Lots 1, 2, 3, 4, 5, 6.

Respectfully,

[SEAL] H. W. BASHORE,
Acting Commissioner.

I concur: July 1, 1941.

FRED W. JOHNSON,
Commissioner, General Land Office.

JULY 5, 1941.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

W. C. MENDENHALL,
Acting Assistant Secretary.

[F. R. Doc. 41-5380; Filed, July 26, 1941; 9:59 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

[Memorandum No. 867[1]—Supplement 1]

MAKING APPLICABLE TO THE EXPENDITURE OF FUNDS MADE AVAILABLE BY THE ITEM ENTITLED "LOANS, GRANTS, AND RURAL REHABILITATION," CONTAINED IN THE DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, 1942, CERTAIN ORDERS, RULES, REGULATIONS AND DELEGATIONS OF AUTHORITY ISSUED UNDER AUTHORITY OF THE EMERGENCY RELIEF APPROPRIATION ACT, FISCAL YEAR 1941.

By virtue of and pursuant to the authority vested in me by the Department of Agriculture Appropriation Act, 1942 (Public, No. 144, approved July 1, 1941, 77th Congress), I hereby order and direct that the expenditure of funds appropriated or advanced by or pursuant to that item of said act entitled "Loans, Grants, and Rural Rehabilitation," and the administration of all activities conducted with such funds, shall be in accordance with the orders, rules, regulations, and delegations of authority heretofore issued and in effect on the date of issuance hereof relating to the expenditure of funds appropriated or advanced to this Department by or pursuant to the Emergency Relief Appropriation Act, fiscal year 1941, to the extent such orders, rules, regulations, and delegations of authority are consistent with the provisions of the Department of Agriculture Appropriation Act, 1942. Whenever any authority heretofore granted limited the amount of money which might be expended thereunder, such limit shall be deemed applicable to the total amount to be expended under such authorization out of funds appropriated by prior acts and funds appropriated by, or advanced pursuant to, the Department of Agriculture Appropriation Act, 1942. Any redelegations of authority in effect on the date of this order shall continue in effect subject to any powers heretofore granted to revoke such redelegations. The foregoing rules and regulations shall remain in effect until my further order.

Issued as of July 1, 1941.

[SEAL] PAUL H. APPLEBY,
Under Secretary.

[F. R. Doc. 41-5383; Filed, July 26, 1941; 11:32 a. m.]

[1] 5 F.R. 2452.

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket No. 518]

IN THE MATTER OF THE PETITION OF ALL AMERICAN AVIATION, INC. FOR AN ORDER FIXING AND DETERMINING A FAIR AND REASONABLE RATE OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT OVER ROUTE NO. 49, UNDER SECTION 406 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF ORAL ARGUMENT

The above-entitled proceeding is hereby assigned for oral argument before the Board on July 30, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 5044, Commerce Building, Washington, D. C.

Dated Washington, D. C., July 24, 1941.

By the Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-5405; Filed, July 28, 1941; 10:01 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder. (August 16, 1940, 5 F.R. 2862) to the employers listed below effective July 28, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Art Cord Company, 101 Richmond Street, Providence, Rhode Island; Corde Handbags; 8 learners; 10 weeks for any one learner; 28 cents per hour; Bonnaz Embroidery Machine Operator; July 28, 1942.

Carlova, Inc., 428 Adelaide Avenue, St. Louis, Missouri; Toilet Preparations; 75 learners; 160 hours for any one learner; 30 cents per hour; Fillers and Wrappers; January 1, 1942.

Carlova, Inc., 325 Court Street, Binghamton, New York; Drugs, Medical & Toiletries; 200 learners; 160 hours for any one learner; 30 cents per hour; Filling, Labelling, Packaging; January 1, 1942.

Eastern Tablet Corporation, 1315 Broadway, Albany, New York; Converted Paper Products; 35 learners; 160 hours for any one learner; 33 cents per hour; Assembly Workers, Machine Operators; October 20, 1941.

Fredwill Manufacturing Company, 13th and Bushkill Drive, Building 13, Easton, Pennsylvania, Converted Paper Products; 15 learners; 6 weeks for any one learner; 25 cents per hour; Sewing Machine Operator; September 22, 1941.

Helfrich Laboratories of New York, Inc., 30 West 26th Street, New York, N. Y.; Lipstick, Rouges, Creams and Lotions; 5 learners; 160 hours for any one learner; 30 cents per hour; Lipstick Molders, Fillers, Labelers; January 1, 1942.

Houbigant Sales Corporation, 539 West 45th Street, New York, New York; Manufacture and packaging of perfume and cosmetics; 35 learners; 160 hours for any one learner; 32½ cents per hour; Fillers, Packers; January 1, 1942.

Joubert Cie, Inc., 26 Exchange Place, Jersey City, N. J.; Manufacturing of packing of perfumes and cosmetics; 70 learners; 160 hours for any one learner; 30 cents per hour; Labelling Machine Operators, Capping Machine Operators, Lipstick Molders, Filling Machine Operators, Lipstick Inserters, Stapling Machine Operators, Powder Filling Machine Operators, Labellers, Decorators, Wrappers and Sealers; January 1, 1942.

Kolmar Laboratories, 117 West Walker Street, Milwaukee, Wisconsin; Cosmetics, Rouge, Lipsticks, etc.; 15 learners; 160 hours for any one learner; 30 cents per hour; Rouge Moulders, Rouge Pressers, Puff Cutters, Assemblers, Lipstick Moulders; January 1, 1942.

Kuntz Casing Company, 2025 Elm Street, Cincinnati, Ohio; Processing Sausage Casings; 3 learners; 8 weeks for any one learner; 25 cents per hour; Natural Sausage Casing Cleaner and Processor; December 11, 1941. (Omitted from FEDERAL REGISTER of July 24, 1941.)

Red Diamond Leather Products Company, 236 W. 15th Street, Los Angeles, California; Camera and photographic accessories, carrying cases and tool kits; 2 learners; 8 weeks for any one learner; 30 cents per hour; Hand Sewer, Sewing Machine Operator; December 11, 1941. (Omitted from FEDERAL REGISTER of July 24, 1941.)

Royal Perfumers, Inc., 30 W. 24th Street, New York, N. Y.; Bottlers and packagers of perfumes, powders and holiday sets; 4 learners; 160 hours for any one learner; 30 cents per hour; Fillers, Labellers, Packers, Cappers; January 1, 1942.

Vadsco Sales Corporation, 21–09 Borden Avenue, Long Island City, New York; Drugs and Cosmetics; 40 learners; 160 hours for any one learner; 37½ cents per hour; Finishers; January 1, 1942.

Signed at Washington, D. C., this 28th day of July 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–5442; Filed, July 28, 1941, 11:35 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective July 28, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Acme Manufacturing Company, 1123 Washington Street, St. Louis, Missouri; Apparel; Ladies' Underwear, Nightwear & Negligees; 5 learners (75% of the applicable hourly minimum wage); July 28, 1942.

Adelphi Shirt Company, 943 Hamilton Street, Allentown, Pennsylvania; Apparel; Sport Shirts, Men's Shorts; 25 learners (75% of the applicable hourly minimum wage); November 10, 1941.

Atlanta Knitting Mills, Catskill, New York; Apparel; Woven Ladies' Underwear, Woven Men's Polo Shirts; 5 percent (75% of the applicable hourly minimum wage); November 15, 1941. (This certificate replaces one issued effective November 15, 1941.) (Omitted from FEDERAL REGISTER of July 24, 1941.)

Berkshire Neckwear Company, 25 Foster Street, Worcester, Massachusetts; Apparel; Neckwear; 5 learners (75% of the applicable hourly minimum wage); July 28, 1942.

Berry Dry Goods Company, 105–107 East Markham Street, Little Rock, Arkansas; Apparel; Overalls, Pants, Coveralls, Cotton Pick Sacks; 16 learners (75% of the applicable hourly minimum wage); November 10, 1941.

Big Jeff Manufacturing Company, 2125 Main Street, Wheeling, West Virginia; Apparel; Men's Overalls & Work Pants; 5 learners (75% of the applicable hourly minimum wage); July 28, 1942.

Brooklyn Handkerchief Company, 62 Schenectady Avenue, Brooklyn, New York; Apparel; Handkerchiefs; 8 learners (75% of the applicable hourly minimum wage); November 3, 1941.

Mr. Peter Butera, 8–10 Walnut Street, Nutley, New Jersey; Apparel; Infants & Children's Outerwear; 5 learners (75% of the applicable hourly minimum wage); July 28, 1942.

The Crown Overall Manufacturing Company, Third, Plum and McFarland Streets, Cincinnati, Ohio; Apparel; Overalls, Work Shirts, Cotton Single Pants, Rayon Mixture Single Pants, Melton Jackets; 10 percent (75% of the applicable hourly minimum wage); November 10, 1941.

Cut-Rite Undergarment Company, 29 Chuctunanda Street, Amsterdam, New York; Apparel; Ladies' Rayon Satin Nightgowns; 25 learners (75% of the applicable hourly minimum wage); November 10, 1941.

Durable Pants Company, Inc., 902 Main Street, Northampton, Pennsylvania; Apparel; Men's Trousers; 5 percent (75% of the applicable hourly minimum wage); July 28, 1942.

Elanor Frocks Manufacturing Company, 905 Washington Street, St. Louis, Missouri; Apparel; Cotton Dresses; 10 percent (75% of the applicable hourly minimum wage); July 28, 1942.

Evelyn B. Undergarment Company, 260 Stone Avenue, Brooklyn, New York; Apparel; Ladies' Underwear; 5 learners (75% of the applicable hourly minimum wage); November 24, 1941.

F. B. and R. Clothing Corporation, 750 Second Avenue, North, Troy, New York; Apparel; Men's Pants; 64 learners (75% of the applicable hourly minimum wage); November 24, 1941.

Famous Foundations, Inc., S. W. 29th Street, New York, N. Y.; Apparel; Girdles & Corsets; 5 learners (75% of the applicable hourly minimum wage); November 24, 1941.

M. Fine & Sons Manufacturing Company, Inc., Vicksburg, Mississippi; Apparel; Cotton Work Shirts and Pants; 120 learners (75% of the applicable hourly minimum wage); November 24, 1941.

Fried, Ostermann Company, 1924 South Hilbert Street, Milwaukee, Wisconsin; Apparel; Sportswear; 22 learners (75% of the applicable hourly minimum wage); November 10, 1941.

Gay Way Manufacturing Company, 706 Sac'to Street, San Francisco, California; Apparel; Sportswear, Ladies' Garments; 1 learner (75% of the applicable hourly minimum wage); July 28, 1942.

Hanover Shirt Company, Inc., Ashland, Virginia; Apparel; Dress & Sports Shirts; 13 learners (75% of the applicable hourly minimum wage); November 10, 1941.

Home Manufacturing Company, 741 East Eldorado Street, Decatur, Illinois; Apparel; Washable House Dresses; 20 learners (75% of the applicable hourly minimum wage); November 10, 1941.

Honesdale Garment Company, Inc., East Fourteenth Street, Honesdale, Pennsylvania; Apparel; Dresses; 16 learners (75% of the applicable hourly minimum wage); November 10, 1941.

Hooker Corser and Mitchell Company, 21 Frost Street, Brattleboro, Vermont; Apparel; Overalls, Aprons, Cotton Single Pants; 5 learners (75% of the applicable hourly minimum wage); July 28, 1942.

Items, Inc., 701 South Third Street, Belleville, Illinois; Apparel; House Dresses; 40 learners (75% of the applicable hourly minimum wage); November 24, 1941.

S. Liebovitz and Sons, Inc., Gallitzin, Pennsylvania; Apparel; Men's Shirts; 5 percent (75% of the applicable hourly minimum wage); October 25, 1941.

S. Liebovitz and Sons, Inc., Mechanicsburg, Pennsylvania; Apparel; Men's & Boys' Pajamas; 5 percent (75% of the applicable hourly minimum wage); November 18, 1941.

McMinnville Garment Company, Inc., McMinnville, Tennessee; Apparel; Cotton Work Pants; 50 learners (75% of the applicable hourly minimum wage); March 23, 1942.

Marcus Undergarment Company, 16 West 22nd Street, New York, New York; Apparel; Ladies' Slips; 5 learners (75% of the applicable hourly minimum wage); October 20, 1941.

Midland Garment Manufacturing Company, Inc., Central Avenue, Nebraska City, Nebraska; Apparel; Men's Covert Work Pants and Cotton Dress Shirts; 5 percent (75% of the applicable hourly minimum wage); July 28, 1942. (This certificate replaces one issued effective October 29, 1940.)

The Moses-Rosenthal Company, 302–316 North Second Street, Boonville, Indiana; Apparel; Men's Woven Unionsuits and Shorts; 5 percent (75% of the applicable hourly minimum wage); November 18, 1941.

Nantex Manufacturing Company, Greenwood, South Carolina; Apparel; Men's & Boys' Woven Underwear; 50 learners (75% of the applicable hourly minimum wage); November 10, 1941.

Penna Dress Corporation, 1540–1550 Main Street, Northampton, Pennsylvania; Apparel; Ladies' Dresses; 20 learners (75% of the applicable hourly minimum wage); December 1, 1941.

Perfect Vest Company, 346–348 Bordentown Avenue, South Amboy, New Jersey; Apparel; Men's Clothing, Vests; 5 learners (75% of the applicable hourly minimum wage); July 28, 1942.

Reserve Knitting Mills, Inc., 5713 Euclid Avenue, Cleveland, Ohio; Apparel; Ladies' Sportswear; 5 learners (75% of the applicable hourly minimum wage); July 28, 1942.

Royal Manufacturing Company, Tilghman and Jordan Streets, Allentown, Pennsylvania; Apparel; Men's & Boys' Shorts, Jockey shorts, undershirts; 10 learners (75% of the applicable hourly minimum wage); November 10, 1941.

Seidler Bergheim, Ltd., 99 Madison Avenue, New York, New York; Apparel; Cravats; 4 learners (75% of the applicable hourly minimum wage); November 24, 1941.

Shulman and Hyman, 542 Palisade Avenue, Jersey City, New Jersey; Apparel; Children's Cloth Hats & Caps; 5 learners (75% of the applicable hourly minimum wage); January 28, 1942.

J. H. Stern Garment Company, East Hummelstown Street, Elizabethtown, Pennsylvania; Apparel; Children's Dresses and Ladies' Aprons; 5 learners (75% of the applicable hourly minimum wage); November 24, 1941.

Stetson Pajama Company, King Georges Road, Fords, New Jersey; Apparel; Men's & Women's Pajamas; 5 percent (75% of the applicable hourly minimum wage); July 28, 1942.

Style Form Brassiere Company, Inc., 49 West 27th Street, New York, New York; Apparel; Brassieres, Girdles; 5 learners (75% of the applicable hourly minimum wage); October 20, 1941.

Trenton Waist and Dress Company, 1 Breunig Avenue, Trenton, New Jersey; Apparel; Blouses; 5 learners (75% of the applicable hourly minimum wage); July 28, 1942.

United Sheeplined Clothing Company, 273 Branchport Avenue, Long Branch, New Jersey; Apparel; Leather Sportswear; 5 percent (75% of the applicable hourly minimum wage); July 28, 1942. (This certificate replaces one issued effective September 27, 1940.)

Warren Shirt Company, Seventh & Mifflin Streets, Lebanon, Pennsylvania; Apparel; Pajamas, Shirts; 20 learners (75% of the applicable hourly minimum wage); November 10, 1941.

Wessner Company, 608 First Avenue, North, Minneapolis, Minnesota; Apparel; Men's & Boys' Clothing; 5 learners (75% of the applicable hourly minimum wage); July 24, 1942. (Omitted from Register of July 24, 1941.)

Weil-Kalter Manufacturing Company, Washington and Lafayette Streets, Millstadt, Illinois; Apparel; Woven & Knit Underwear; 5 percent (75% of the applicable hourly minimum wage); March 13, 1942.

Morris Manufacturing Company, Main Street, Newbern, Tennessee; Gloves; Work Gloves; 5 learners; July 28, 1942.

George B. Wayne and Sons, 18 (R) S. William Street, Johnstown, New York; Gloves; Work Gloves; 1 learner; July 24, 1942. (Omitted from Register of July 24, 1941.)

Miller-Smith Hosiery Mills, Hooker Road, Chattanooga, Tennessee; Hosiery; Full Fashioned Hosiery; 5 percent; July 28, 1942.

Miller-Smith Hosiery Mills, Kingsport, Tennessee; Hosiery; Full Fashioned Hosiery; 5 learners; July 28, 1942.

Edward Sharp, 1234 Carpenter Street, Philadelphia, Pennsylvania; Hosiery; Full Fashioned Hosiery; 1 learner; July 28, 1942.

Walker County Hosiery Mills, Lafayette, Georgia; Hosiery; Seamless Hosiery; 5 percent; July 24, 1942. (Omitted from Register of July 24, 1941.)

Ace Undergarment Company, 255 Classon Avenue, Brooklyn, New York; Knitted Wear; Knitted Underwear; 2 learners; November 24, 1941.

Bloomsburg Silk Mill, West Sixth Street, Bloomsburg, Pennsylvania; Textile; Rayon & Acetate; 3 percent; July 28, 1942.

Columbia Manufacturing Company, Ramseur, North Carolina; Textile; Cotton Fabrics; 3 percent; July 28, 1942.

Fine Art Lace Company, 7001 State Road, Tacony, Philadelphia, Pennsylvania; Textile; Torchon Lace Edgings, Schiffli Lace Edgings; 3 learners; July 28, 1942.

Intervale Mills, Inc., Main Street, Philmont, New York; Textile; Carded Cotton Yarns; 12 learners; October 27, 1941.

Kahn & Feldman, Inc., 360 Suydam Street, Brooklyn, New York; Textile; Thrown Silk; 24 learners; January 19, 1942.

Keystone Silk Manufacturing Company, Fourteenth and Cumberland Streets, Lebanon, Pennsylvania; Textile; Weaving Rayon & Acetate; 3 percent; July 28, 1942.

Lawtex Corporation, Gaston Street & Bryant Avenue, Dalton, Georgia; Textile; Bedspreads; 5 percent; July 28, 1942.

Manville Jenckes Corporation, Manville, Rhode Island; Textile; Cottons, Rayons, Spun Rayons, Rayon & Wool Mixtures; 3 percent; July 28, 1942.

Marlboro Cotton Mills, Bennettsville, South Carolina; Textile; Plied Yarns & Fire Cord Fabric; 2 learners; July 28, 1942.

Mercer Silk Mills, East Market Street, Mercer, Pennsylvania; Textile; Blankets for Burial Purposes; 6 learners; October 13, 1941.

The Schlichter Jute Cordage Company, Trenton and Castor Avenues, Philadelphia, Pennsylvania; Textile; Jute Cordage, Rope, Twine, and Centers for Electrical Cable; 20 learners; July 21, 1942.

The Springs Cotton Mills, Lancaster, South Carolina; Textile; Print Cloths, Broadcloths, Poplins, Pillow Tubing & Fancies; 28 learners; July 28, 1942.

Stringer's Silk Spinning Mills, Main Street & Mitchell Avenue, Lansdale, Pennsylvania; Textile; Glued Ribbon; 5 learners; July 28, 1942.

Swift Manufacturing Company, Columbus, Georgia; Textile; Yarn and Thread; 3 percent; July 28, 1942.

Signed at Washington, D. C., this 28th day of July 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–5443; Filed, July 28, 1941; 11:35 a. m.]

NOTICE OF AMENDED ORDER FOR THE EMPLOYMENT OF LEARNERS IN THE CIGAR MANUFACTURING INDUSTRY AT WAGE RATES LOWER THAN THE MINIMUM WAGE APPLICABLE UNDER SECTION 6 OF THE FAIR LABOR STANDARDS ACT

Whereas on July 19, 1940, the Administrator caused to be published in the FEDERAL REGISTER (5 F.R. 2616) a Notice of Determination and Order by Henry T. Hunt, who had been authorized by the Administrator to review a determination denying applications for the employment of learners in the cigar manufacturing industry, which notice contained the following determination and order:

Paragraphs (1) and (2) of the Determination and Order signed January 2, 1940, and reading as follows are disapproved:

"(1) The occupations of packer and cigar machine operator in the machine branch and packer and hand cigar maker in the hand branch of the cigar industry require a learning period.

"(2) The learning period for packers and for cigar machine operators is eight weeks and for hand cigar makers is six months."

The final paragraph of the said Determination and Order reading as follows is approved:

"It is not necessary in order to prevent curtailment of opportunities for employment to issue Special Certificates authorizing the employment of learners in the cigar industry at subminimum rates.

"The applications are denied."; and

Whereas on the basis of new evidence presented in subsequent applications for the employment of learners in the cigar manufacturing industry the said Henry T. Hunt has found that—

Since July 12, 1940 in certain localities, the number of workers experienced in the operations of cigar making, stemming, and other machines in the manufacture of cigars has become insufficient to satisfy the demand. Accordingly, in order to prevent curtailment of opportunities for employment, it is necessary to set aside the Determination and Order of that date, to wit:

"It is not necessary in order to prevent curtailment of opportunities for employment to issue Special Certificates authorizing the employment of learners in the cigar industry at subminimum rates.";

Now, therefore, it is hereby ordered, That applications for Special Certificates authorizing the employment of learners at subminimum rates will be determined by the Hearings Branch pursuant to § 522.5 (b), Part 522, Title 29, Chapter V, Code of Federal Regulations.

Signed at Washington, D. C., this 25th day of July 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-5444; Filed, July 28, 1941; 11:35 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. ID-945]

IN THE MATTER OF WALTER H. SAMMIS

ORDER FIXING DATE OF HEARING

JULY 25, 1941.

It appearing to the Commission that:

(a) On May 21, 1941, the above named applicant filed an application pursuant to section 305 (b) of the Federal Power Act for authorization to hold certain interlocking positions within the purview of said section 305 (b);

(b) It is in the public interest that the above named applicant make further showing that neither public nor private interests will be adversely affected by reason of his holding said positions; such further showing can best be made in the form and manner of a public hearing held for that purpose;

The Commission *orders* that:

A public hearing on said application be held beginning the 18th of August, 1941, at 9:45 a. m. in the hearing room of the Federal Power Commission, 1757 K Street NW., Washington, D. C., and that at said hearing the above named applicant make further showing that neither public nor private interests will be adversely affected by reason of his holding positions within the purview of section 305 (b) of the Federal Power Act.

By the Commision.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-5406; Filed, July 28, 1941; 10:01 a. m.]

[Docket No. IT-5719]

IN THE MATTER OF OTTER TAIL POWER COMPANY AND UNION PUBLIC SERVICE COMPANY

NOTICE OF APPLICATION

JULY 26, 1941.

Notice is hereby given that on July 24, 1941, an application was filed with the Federal Power Commission, pursuant to the Federal Power Act, by Otter Tail Power Company and Union Public Service Company, corporations organized under the laws of the State of Minnesota and having their principal business offices in Fergus Falls, Minnesota, and St. Paul, Minnesota, respectively, seeking an order for authority to merge and consolidate their facilities and for authority on the part of the surviving corporation (Otter Tail Power Company) to issue $4,200,000 of First Mortgage Bonds for the purpose of refunding $3,000,000 of outstanding bonds of Otter Tail Power Company and $1,200,000 of outstanding bonds of the Union Public Service Company; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before August 11, 1941, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-5407; Filed, July 28, 1941; 10:01 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

NOTICE OF OPPORTUNITY FOR HEARING CONCERNING EFFECT OF CHANGE IN MINNESOTA UNEMPLOYMENT COMPENSATION LAW

Whereas on the 4th day of September 1940, the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, certified to the Division of Employment and Security in the Department of Social Security of the State of Minnesota, its findings with respect to reduced rates of contributions allowable under the unemployment compensation law of the State of Minnesota (Extra Session Laws of 1936, Chapter 2, as amended by Laws of 1937, Chapters 43, 306, 401 and 452, and by Laws of 1939, Chapters 431, 441, and 443); and

Whereas section 1602 (b) (3) of the Internal Revenue Code provides, in part, that:

After making such findings, the Board shall not withhold its certification to the Secretary of the Treasury of such State law, or of the provisions thereof with respect to which such findings were made, for any taxable year pursuant to paragraph (1) or (2) of this subsection unless, after reasonable notice and opportunity for hearing to the State agency, the Board finds the State law no longer contains the provisions specified in subsection (a) of this section or the State has, with respect to such taxable year, failed to comply substantially with any such provision.

and

Whereas on the 28th day of April 1941, the State of Minnesota enacted Chapter 554, Laws of 1941 (H. F. No. 1583), section 3 of which act amended certain provisions of the State unemployment compensation law relating to the allowance of reduced rates of contributions, to wit, Mason's Supplement 1940, section 4337-24, by adding thereto the following subsection:

H. Notwithstanding any inconsistent provisions of this act, if prior to September 1, 1941, an employer files a claim for adjustment in which he alleges that he had reemployed, within the period from January 1, 1938 to June 30, 1941, inclusive, an employee for whom beneficiary wages were debited against him, and the director finds that such employee did not receive the maximum benefit payments to which he was entitled within any benefit year because of such reemployment, the employer's beneficiary wage record for such period shall be credited with beneficiary wages equal to the percentage of unpaid benefits to the maximum benefit of the beneficiary wages charged for said employee.

Provided, however, That any adjustment granted under this section shall be used in the determination of the contribution rate provided in Section 4337-24 C., Mason's Supplement 1940, as amended by this act, only for the year 1942 and subsequent years, except if such unemployment existed because of a labor dispute at the factory, establishment, or other premises at which he was an employee or was last employed prior to such dispute, in such cases any adjustment granted under this section shall be used in the determination of the contribution rate provided in Section 4337-24 C., Mason's Supplement 1940, as amended by this act, only for the year 1941 and subsequent years.

Provided, however, That in the event the Social Security Board shall determine that this subsection H is not in conformity with the various provisions of the Federal Internal Revenue Code, or the Social Security Act then this subsection H shall have no force and effect.

and

Whereas the Social Security Board has reason to believe that the provisions of the Minnesota unemployment compensation law with respect to the allowance of reduced rates of contributions, as

amended by the above-quoted subsection, may no longer contain the provisions specified in subsection (a) of section 1602 of the Internal Revenue Code.

Now, therefore, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, notice is hereby given that an opportunity for hearing will be provided to the State agency, to wit, the Division of Employment and Security in the Department of Social Security of the State of Minnesota, beginning at ten o'clock on the 4th day of August, 1941, at the offices of the Social Security Board, 1712 G Street Northwest, Washington, D. C., on the question of whether or not the unemployment compensation law of the State of Minnesota no longer contains the provisions specified in subsection (a) of section 1602 of the Internal Revenue Code. Upon the basis of the evidence adduced at said hearing and such other evidence as may be presented to the Board by the State, the Board will determine whether or not the unemployment compensation law of the State of Minnesota, as amended by the first two paragraphs of subsection H of section 4337–24, Mason's Supplement 1940, provides for the allowance of reduced rates of contributions only in accordance with the applicable provisions specified in subsection (a) of section 1602 of the Internal Revenue Code.

[SEAL] A. J. ALTMEYER,
Chairman.

JULY 25, 1941.

Approved:

PAUL V. MCNUTT,
Administrator.

JULY 25, 1941.

[F. R. Doc. 41–5382; Filed, July 26, 1941; 11:04 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59–29]

IN THE MATTER OF PENNSYLVANIA POWER & LIGHT COMPANY, NATIONAL POWER & LIGHT COMPANY, AND ELECTRIC BOND AND SHARE COMPANY

NOTICE AND ORDER FOR HEARING AND ORDER TO SHOW CAUSE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of July, A. D. 1941.

The Commission having data in its official files establishing or tending to establish the following matters:

1. Pennsylvania Power & Light Company (hereinafter called "Pennsylvania") is a corporation organized under the laws of the State of Pennsylvania and maintains a principal office in the city of Allentown, State of Pennsylvania. Pennsylvania is an electric and gas ultility company within the meaning of sections 2 (a) (3) and 2 (a) (4) of the Public Utility Holding Company Act of 1935 and is a subsidiary of National Power & Light Company (hereinafter called "National"), a registered holding company under the Act. National is in turn a subsidiary company of Electric Bond and Share Company (hereinafter called "Bond and Share") likewise a registered holding company under the Act.

2. The capitalization and surplus of Pennsylvania per balance sheet of December 31, 1940, were as follows:

Type of security	Amount outstanding	Principal amount or stated value
First mortgage bonds	$95,000,000	$95,000,000
3½% series, due 1969	28,500,000	28,500,000
4½% debentures, due 1974	6,800,000	6,800,000
2⅝% serial notes, due 1940–1949		
preferred ($7) stock, cumulative, no par	Shares [1] 375,482	77,928,256
$6 preferred stock, cumulative, no par	[2] 79,670	
$5 preferred stock, cumulative, no par	158,208	
Common stock, no par	1,879,095	
Earned surplus		5,307,438.04

[1] Includes 4,386.96 shares held in treasury.
[2] Includes 3,362.00 shares held in treasury.

3. Of the securities of Pennsylvania outstanding at December 31, 1940, National owned the 1,879,095 shares of common stock. In addition Lehigh Valley Transit Company, a subsidiary of National, owned 15,469 shares of the Preferred ($7) stock.

4. The $7, $6 and $5 Preferred Stocks rank equally as to dividends and in liquidation. Each class has a liquidating value of $100 per share plus unpaid cumulative dividends. All three classes are callable at $110 per share.

5. Each share of common stock and each share of preferred stock of Pennsylvania is possessed of one vote. No additional voting power is conferred upon the preferred stock by reason of dividend arrearages.

6. Pennsylvania was organized June 4, 1920 by Bond and Share and its subsidiary, Lehigh Power Securities Corporation (hereinafter called "Lehigh"), as a consolidation and merger of the following companies: The Lehigh Valley Light and Power Company, together with the latter's two subsidiaries, The Harwood Electric Company and The Schuylkill Gas & Electric Company; the companies known as the Northern Central Group (Northern Central Gas Company, Columbia & Montour Electric Company and Northumberland County Gas & Electric Company); Pennsylvania Power & Light Company (old); and Pennsylvania Lighting Company. With the exception of Pennsylvania Lighting Company, all the consolidating and merging companies were direct or indirect subsidiaries of Lehigh.

7. Lehigh was organized July 20, 1917 under the laws of the State of Delaware by Bond and Share to serve as a holding company for the securities of various utility companies operating in the State of Pennsylvania which had been acquired or contracted for by a syndicate consisting of Bond and Share and other interests, with Bond and Share as syndicate manager.

8. Capital was raised for Lehigh through the issuance and public sale of $18,405,900 principal amount of its Ten Year 6% Secured Gold Notes, on which the proceeds to the corporation were $16,585,730. The subscribers to the notes also received 10 shares of Lehigh capital stock for each $1,000 principal amount of notes subscribed for. Initially, the entire capital stock of Lehigh, consisting of 305,000 shares, had been issued to one Osborne, intermediary for Bond and Share, who made distribution of the stock at the direction of Bond and Share. Bond and Share received from Osborne for "services" 40,000 shares of Lehigh capital stock (13% of the total number of shares issued), and retained from the shares set aside for distribution to subscribers 2,571 additional shares. Bond and Share, however, did not purchase any Notes for its own account, and made no cash investment of any kind in the securities of Lehigh. The 42,571 shares of Lehigh's common stock thus acquired by Bond and Share were entered in its investment account at $1. In addition, after having been reimbursed for all its expenses in connection with the Lehigh situation, Bond and Share took into income account the sum of $46,000 net, realized in connection with the financing of Lehigh.

9. The entire capital stock of Lehigh was deposited in a voting trust. The provisions of the voting trust agreement were determined, and the voting trustees selected, by Bond and Share. Of the nine voting trustees, three were officers or directors of Bond and Share and two others were closely associated with it. A service contract was entered into between Lehigh and Bond and Share which provided that Bond and Share was to take charge, under the direction of the Board of Directors of Lehigh, of the management of that company "and the management and development of its subsidiaries". Accordingly, all the officers of Lehigh from commencement of its operations until November 5, 1935, were employees or officers of Bond and Share. Of the 15 members of Lehigh's Board of Directors, more than a majority were employees, officers or directors of Bond and Share from the formation of Lehigh until November 5, 1935.

10. Subsequent to organization, Lehigh purchased from Bond and Share the

securities of the Northern Central companies, and also acquired by purchase preferred and common stocks of the Lehigh Valley Transit Company and the capital stock of Lehigh Navigation Electric Company for which Bond and Share and the syndicate had contracted. Lehigh paid a total of $9,000,790 cash for such securities, and took them into its investment account at $11,000,700. The difference between the cash paid by Lehigh and the amount at which they were placed in its investment account, the sum of $2,000,000, represented the value assigned on the books of Lehigh to the 305,000 shares of capital stock issued by Lehigh at organization to Osborne. The companies whose securities Lehigh acquired at organization were consolidated and merged in 1920 along with Pennsylvania Lighting Company, to form Pennsylvania as set forth above in paragraph 6.

11. At organization, Pennsylvania issued 27,880.81 shares of Cumulative Preferred ($7) Stock, 65,000 shares of Non-Cumulative Preferred ($7) Stock and 310,000 shares of no par Common Stock to the stockholders of the consolidating and merging companies in exchange for their holdings of stock in these companies. The securities thus issued had a stated value of $9,791,132.33 on the books of Pennsylvania. The liquidating value of the Cumulative Preferred ($7) Stock and the Non-Cumulative Preferred ($7) Stock was $100 per share. The Cumulative Preferred ($7) Stock had priority in dividends and in liquidation to the Non-Cumulative preferred ($7) Stock. By the provisions of the agreement of consolidation and merger, however, the Non-Cumulative Preferred ($7) Stock was convertible into Cumulative Preferred ($7) Stock, "Whenever, being authorized and instructed so to do by a resolution of the Board of Directors, the Treasurer or an Assistant Treasurer of the New Corporation shall file in the principal office of the New Corporation a certificate, signed and sworn to by him, stating that the net income of the New Corporation, plus a pro rata proportion of the Net income of all corporations at least a majority of whose outstanding capital stock is at such time owned by the New Corporation, have for twelve consecutive calendar months within the fourteen calendar months, immediately preceding the filing of such certificate, amounting in the aggregate to not less than two times the amount payable as dividends (a) upon all of the cumulative shares of preferred stock outstanding and (b) upon such number of non-cumulative shares of preferred stock as shall be specified in such Resolution of the Board of Directors."

12. Of the securities thus issued by Pennsylvania at inception, 390.73 shares of the Cumulative Preferred ($7) Stock, 65,000 shares of the Non-Cumulative Preferred ($7) Stock and all of the Common Stock (310,000 shares) were received by Lehigh. The aggregate of liquidating and residual stated value including surplus of the securities of Pennsylvania received by Lehigh was $8,368,966. The cash cost to Lehigh of the securities of the constituent and merging companies surrendered in exchange was $3,550,000, but their ledger carrying value on Lehigh's books was $2,000,000 greater, by reason of the assignment of a $2,000,000 value to the Common Stock of Lehigh as set forth in paragraph 10 above.

13. In 1923 and 1924 Lehigh converted the 65,000 shares of Non-Cumulative Preferred ($7) Stock received from Pennsylvania into an equal number of shares of the latter's Cumulative Preferred ($7) Stock; and in 1924 sold the 65,000 shares of Cumulative Preferred ($7) Stock thus acquired, plus 390 shares received in 1920 for aggregate net proceeds of $6,057,000. Lehigh continued to retain the 310,000 shares of Common Stock of Pennsylvania at a cost of minus $2,507,000, if Lehigh's cash costs be used as the base, or minus $507,000 if Lehigh's ledger carrying value be used as the base.

14. From the organization of Pennsylvania until the present, Lehigh purchased additional common stock of Pennsylvania on two occasions. In 1923 Lehigh purchased 35,819 shares of Pennsylvania common stock for $537,285. Simultaneously, and as part of the same transaction, Lehigh caused Pennsylvania to purchase from it certain properties at a price of $537,284 in excess of Lehigh's cost. In 1924 Lehigh purchased 27,682 shares of Pennsylvania's common stock for $553,640. Simultaneously, and as part of the same transaction, Lehigh caused Pennsylvania to purchase from it a certain property at a price $544,800 in excess of Lehigh's cost.

15. Additional shares of Pennsylvania's common were issued to Lehigh as stock dividends on Lehigh's holdings of Pennsylvania's common stock as follows:

Year	*Number of shares*	*Amount capitalized on Pennsylvania's books*
1924	93,376	$2,334,381.25
1925	23,344	700,315.50
1926	51,960	1,558,767.44
1927	51,169	1,534,983.49
1928	36,319	1,089,533.40
1929	201,495	3,022,411.20
1930	232,279	3,484,155.67
1931	103,897	1,558,431.00
1932	82,086	1,231,267.28
Total	875,925	16,514,246.23

At November 5, 1928 Lehigh had acquired 629,669 shares of Pennsylvania common in the manner described above. On such date Pennsylvania split its common stock two shares for one, thereby increasing the total number outstanding to 1,259,338 shares, all of which were owned by Lehigh. Subsequently, additional shares aggregating 619,757 were received as stock dividends, making the total owned by Lehigh 1,879,095 shares. In 1939 all the aforementioned shares of Pennsylvania were transferred to National, in connection with the dissolution of Lehigh.

16. Subsequent to the organization of Pennsylvania substantial amounts of bonds and preferred stock were issued by Pennsylvania and sold to the public, other than the 65,000 shares of Non-Cumulative Preferred ($7) Stock converted into Cumulative Preferred ($7) Stock by Lehigh and sold to the public as described in paragraph 13 above. There was sold to the public a total of $271,000,000 principal amount of Pennsylvania's bonds, debentures, and notes for total proceeds of $264,305,000. In addition, Pennsylvania issued to Lehigh $35,200,000 principal amount of bonds and debentures in consideration of $17,670,000 and the transfer of certain properties, and assumed $35,318,750 principal amount of bonds of predecessor companies. Of the bonds issued and assumed by Pennsylvania $211,418,750 principal amount were subsequently redeemed, leaving $130,300,000 principal amount outstanding on December 31, 1940. There were also sold to the public preferred stocks of Pennsylvania having a total liquidating value of $41,689,936 for aggregate proceeds of $40,173,700; and there was issued 103,579.83 shares of preferred stock having a total liquidating value of $10,357,983 in exchange for capital stocks of predecessor companies.

17. The ratios of debt and senior securities of Pennsylvania to total capitalization, and the ratios of common stock and surplus to total capitalization per books at June 4, 1920, December 31, 1930 and December 31, 1940 are shown in the following tables:

	Capitalization per books	
June 4, 1920	*Principal amount or stated value*	*Per cent*
Funded debt	$ 12,207,600	52.3
Preferred stock	9,288,081	39.8
Common stock and surplus	1,829,893	7.9
Total	23,325,574	100.0
December 31, 1930		
Funded debt	86,496,550	55.2
Preferred stock	54,271,300	34.6
Common stock and surplus	16,084,282	10.2
Total	156,852,132	100.0
December 31, 1940		
Funded debt	130,300,000	61.0
Preferred stock	61,336,000	28.7
Common stock and surplus	21,899,694	10.3
Total	213,535,694	100.0

18. At the organization of Pennsylvania, and on two subsequent occasions in 1923 and 1924, Lehigh conveyed to Pennsylvania securities and properties at prices substantially in excess of Lehigh's cost. Pennsylvania took the assets thus acquired into its plant account at the prices paid to Lehigh, or at a greater sum, thus causing inflation in its plant account over the system cost of the properties in the aggregate amount of $6,176,662.

19. In 1926 Lehigh, at the instance of Bond and Share, purchased from The United Gas & Electric Corporation the securities of various utility companies operating in the State of Pennsylvania for an aggregate consideration of approximately $24,000,000. The cost of these securities to The United Gas & Electric Corporation was the sum of $10,699,260. At the time this transaction was arranged, Bond and Share exercised a controlling influence in both The United Gas & Electric Corporation and Lehigh. As the result of the transaction between The United Gas & Electric Corporation and Lehigh, Bond and Share was enabled to sell its interest in The United Gas & Electric Corporation, realizing a profit of approximately $3,000,000 on its investment therein. Bond and Share's affiliate, Electric Investors Incorporated, realized an additional profit of $570,000, and Bond and Share's other associates in the transaction realized substantial additional profits.

20. In negotiating the acquisition of the aforementioned securities by Lehigh from The United Gas & Electric Corporation, Bond and Share arranged to have the securities first transferred to an intermediary company called United Securities Company. On January 25, 1926, the latter company was merged with Lehigh (old) to form Lehigh (new). In effectuating the merger, the investment account of Lehigh (new) was inflated $47,911,200 over the aggregate of the investment account of Lehigh (old) and the purchase price of the securities acquired from The United Gas & Electric Corporation, or $61,205,104 over the aggregate of the ledger values on the books of Lehigh (old) and The United Gas & Electric Corporation. The capital account of Lehigh (new) was inflated by the same amount, less $3,000,000 which was set up as a reserve.

21. The greater portion of the properties acquired by Lehigh from The United Gas & Electric Corporation through merger with United Securities Company was sold by Lehigh to Pennsylvania in 1928 and 1930. These properties, together with others purchased from Lehigh, were taken into the plant account of Pennsylvania at a sum $34,462,190 in excess of the amount at which these properties had been carried on the books of the predecessor companies, and approximately $5,700,000 in excess of the cost of such properties to Lehigh (as apportioned in accordance with values on the books of The United Gas & Electric Corporation).

22. In documents filed with The Public Service Commission of the Commonwealth of Pennsylvania (predecessor of the Pennsylvania Public Utility Commission) in 1930 and 1931, Pennsylvania and Lehigh represented that in connection with this inflation of $34,462,190 in Pennsylvania's plant account no profit resulted to Lehigh or to affiliated interests. Similar representations were subsequently made to this Commission, and it was asserted that Lehigh and The United Gas & Electric Corporation were non-affiliated and that the purchase of the assets by Lehigh from The United Gas & Electric was at arm's-length. As has been indicated in the foregoing paragraphs, The United Gas & Electric Corporation was an affiliate of Lehigh; the transactions were not at arm's length; and substantial profits were realized by The United Gas & Electric Corporation, Lehigh, Bond and Share, Electric Investors Incorporated, and other associated and affiliated interests.

23. In 1928 Pennsylvania, at the instance of Lehigh and Bond and Share, caused its subsidiary, East Penn Electric Company, to convey approximately $5,447,000 of traction properties to a company especially formed for that purpose. Pennsylvania then took the electric properties of East Penn Electric Company and the securities of the traction company into its plant account at a single group figure together with other properties and securities. In 1932 the traction properties were abandoned, and Pennsylvania charged out of its plant account for the securities of the traction company only the sum of $547,680. The effect of these transactions was to inflate the electric plant account of Pennsylvania by $4,899,320.

24. As a result of the transactions described in paragraphs 18 to 23 above, inflationary items of $45,538,172 were carried into the plant account of Pennsylvania. In 1939, at the instance of the Pennsylvania Public Utilities Commission, Pennsylvania transferred out of plant account the sum of $12,727,440 representing capitalized Bond Discount and Expense arising out of the 1928 transaction. This sum was set up by Pennsylvania in unamortized Bond Discount and Expense and is being amortized. The amount of inflation remaining in plant account of Pennsylvania from the transactions described above therefore equals approximately $32,810,732.

25. In addition to the inflation carried into the plant account of Pennsylvania in the transactions described above, substantial amounts of inflation and intangibles came into the plant account of Pennsylvania in the course of acquisition of various properties, by reason of the fact that (a) such inflation had previously been effected in the plant accounts of predecessor companies and was carried over into the plant accounts of Pennsylvania; or (b) Pennsylvania took various properties into its plant account at sums in excess of the amounts on predecessor companies' books. The total of inflation and intangibles thus carried into Pennsylvania's plant account equaled at least $18,453,107. Of this amount, $4,786,857 apparently has already been included in the total of inflation described in the preceding paragraphs. Accordingly, $13,666,250 represents inflation and intangibles contained in the plant account of Pennsylvania in addition to the amount set forth in paragraph 24, making the total thereof $46,476,982.[1] So far as is known, none of such inflation has been removed.

26. The following table sets forth the capitalization and surplus of Pennsylvania for the same periods shown in paragraph 17 above, as adjusted to eliminate the inflation in the plant account as described in paragraph 25:

	Capitalization as adjusted	
June 4, 1920	*Principal amount or stated value*	*Percent*
Funded debt	$12,207,600	77.1
Preferred stock	9,288,081	58.6
Common stock and surplus	[1] (5,653,998)	(35.7)
Total	15,841,623	100.0
December 31, 1930		
Funded debt	86,495,550	88.6
Preferred stock	54,271,300	55.6
Common stock and surplus	[2] (43,120,140)	(44.2)
Total	97,647,710	100.0
December 31, 1940		
Funded debt	130,500,000	78.0
Preferred stock	61,326,000	36.7
Common stock and surplus	[3] (24,577,288)	(14.7)
Total	167,058,712	100.0

[1] After elimination from the plant account of $7,483,891 of inflation therein at June 4, 1920.

[2] After elimination from the plant account of $59,804,422 of inflation therein at December 31, 1930.

[3] After the transfer to unamortized debt discount and expense in 1939 of $12,727,440 of financing costs included in the plant account prior thereto, and elimination of remaining inflation in the sum of $46,476,982.

27. At December 31, 1940, the plant and property account of Pennsylvania stood on its books at $219,245,571 and reserve for retirements and depreciation aggregated $26,454,539 or 12.07% of total plant and property. The reserve for retirements provided by Pennsylvania as at December 31, 1940 is $27,619,807 less than such reserve would have been had Pennsylvania accrued for retirements and depreciation an amount equal to the sum allowed or claimed [2] for depreciation in Federal income tax returns.

28. If adjustment be made in the plant and property account of Pennsylvania to provide for the difference between the amount deducted by Pennsylvania for depreciation in Federal income tax returns and the amount accrued for retirements on the books of the company, and if there be removed from plant and property account the inflation of approximately $46,476,982 set forth above in paragraph 25, with corresponding adjustments to capital structure, the result is as follows:

---

[1] The plant account of Pennsylvania contains $4,064,556 representing identified intangibles such as Organization and Capital Stock Expense. It is not known whether any portion of such $4,064,556 is included in the inflationary items discussed above.

[2] For all tax years not as yet closed by statute (except the year 1940), agreement has been reached as to the sum allowed by conference between the company and the Bureau of Internal Revenue.

	Per books Dec. 31, 1940	To remove inflation	Difference between amounts deducted for depreciation in tax returns and amounts accrued for retirements and depreciation on Books of Pennsylvania	As adjusted Dec. 31, 1940
Fixed property	$219,245,571	($46,478,982)		$172,768,589
Retirement Reserve	26,464,539		$27,819,807	54,284,346
Net property	192,781,032	(46,478,982)	(27,819,807)	118,484,243

Capitalization	Per books Dec. 31, 1940	To remove inflation and difference between accounts deducted for depreciation in tax returns and amounts accrued for retirement and depreciation on books of Pennsylvania	As adjusted Dec. 31, 1940	Percent
Funded debt	$130,300,000		$130,300,000	93.6
Preferred stock	61,336,000	($52,397,095)	8,938,905	6.4
Common stock and surplus	21,899,694	(21,899,694)		
Total	213,535,694	(74,296,789)	139,238,905	100.0

As compared with the ratio of 93.6% of funded debt to total adjusted capitalization shown above, the ratio of funded debt to net fixed property as adjusted in the foregoing table is approximately 110%. Included on the asset side of Pennsylvania's balance sheet as of December 31, 1940 were $18,800,000 of deferred debits, consisting of $16,500,000 unamortized debt discount and expense and $1,900,000 unamortized cost of plant appraisal and $400,000 of other items.

29. In return for cash investments in excess of $190,000,000 in the securities of Pennsylvania, the public has received 24.37% of the total voting power of the securities of that corporation. Prior to its dissolution in 1939, Lehigh possessed 75.63% of the total voting power through ownership of Pennsylvania's entire outstanding common stock acquired at a net cash cost of less than nothing. More than 80% of the voting power of Pennsylvania's common stock as a class was created by the issuance of the stock dividends to Lehigh and the two for one split of the common stock, as described above in paragraph 15.

30. In addition to the stock dividends received by Lehigh as described in paragraph 15 which were taken into Lehigh's income account at the sum of $16,514,246, Lehigh received cash dividends on the common stock of Pennsylvania between 1921 and September 20, 1939 aggregating $52,819,585.86, as follows:

1921	$310,000.00
1922	465,000.00
1923	691,638.00
1924	747,002.00
1925	943,426.00
1926	1,557,639.00
1927	1,152,249.00
1928	1,618,739.90
1929	3,284,354.70
1930	4,083,864.20
1931	4,569,667.05
1932	4,831,762.00
1933	4,885,647.00
1934	4,885,647.00
1935	4,321,918.50
1936	$3,758,190.00
1937	3,100,506.75
1938	4,509,828.00
1939	[1] 3,100,506.75
Total	52,819,583.85

[1] In addition cash dividends of $1,033,502 were paid to National in 1939 and additional amounts in 1940, as set forth in paragraph 33 below.

During the same period, Lehigh also received $1,455,000 as dividends on Pennsylvania's Non-Cumulative ($7) Preferred Stock prior to the sale of such stock in 1923, and the sum of $9,857,200 as interest on bonds of Pennsylvania held by Lehigh for varying periods of time, including $4,500,000 received in lieu of interest on bonds which Pennsylvania had contracted to issue to Lehigh.

31. Immediately upon the formation of Pennsylvania, Lehigh and Bond and Share caused Pennsylvania to enter into a service and supervision contract with Bond and Share pursuant to which there was paid to Bond and Share and its wholly owned subsidiaries from 1920 to 1940 inclusive, the sum of $3,800,826, a substantial portion of which was entered in Pennsylvania's plant account.

32. In 1928 Bond and Share caused National to make an offer of exchange of its preferred and common stock for the preferred and common stock of Lehigh on a share for share basis, National thereby acquiring 99.8% of the outstanding preferred of Lehigh and 99.4% of the outstanding common stock. Additional shares were from time to time purchased for cash in the aggregate amount of $883,673.89. In 1939, National, having acquired all the preferred stock of Lehigh and all the common except 690 shares, caused Lehigh to liquidate, and to transfer all its assets to National. National took such assets on its books at $79,635,025.80 being the sum of the stated value of its shares issued in acquiring the stock of Lehigh and the cash expended. Lehigh had carried these assets on its books at $75,620,662.72 and the underlying book value of the securities was $32,562,949.98 at May 31, 1939. The principal asset acquired by National was the common stock of Pennsylvania the cash cost of which to Lehigh had been less than nothing.

33. During 1940, Pennsylvania paid to National as dividends on Pennsylvania's common stock the sum of $4,134,009 and during 1941 dividend payments have been made by Pennsylvania to National at approximately the same rate.

34. Pennsylvania's "Analysis of Cash Expenditures Required for Construction" indicates expenditures for new construction subsequent to January 1, 1941 in excess of $10,000,000. Moreover, recent surveys of new power capacity necessary to meet the requirements of National Defense reveal that additional generating capacity will be needed by Pennsylvania for National Defense purposes in an aggregate of 240,000 kilowatts, 80,000 kilowatts of such additional capacity to be completed by 1944, and 160,000 additional kilowatts by 1945. Construction of such new capacity will necessitate large additional expenditures on the part of Pennsylvania substantially in excess of its present cash balance and such additional cash as may reasonably be expected will be generated during the period in question.

It appearing to the Commission that the present capital structure of Pennsylvania will make impossible the procuring of additional capital by Pennsylvania through public financing consonant with the standards of the Public Utility Holding Company Act, and that continuance of the present dividend policy of Pennsylvania will contravene the public interest insofar as it will impair the company's ability to meet the National Defense needs set forth above and will otherwise be in contravention of the provisions of the Act; and

It appearing to the Commission in the light of the foregoing that it is appropriate and in the public interest and in the interests of investors and consumers to institute proceedings against Pennsylvania, National and Bond and Share under sections 11 (b) (2), 12 (c) and 15 (f) of the Public Utility Holding Company Act of 1935 in order to determine whether certain orders should be entered pursuant to the provisions of any of said sections, all as hereafter set forth; and

It further appearing to the Commission that evidence bearing on the matters recited above and upon the questions to be determined, is contained in the record of a proceeding pending before the Commission entitled "In the Matter of Electric Bond and Share Company, et al., File No. 59–12;"

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the rules of the Commission thereunder be held on August 12, 1941 at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Ave. NW., Washington, D. C. On such day the hearing

room clerk in room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matters. The officer so designated to preside at such hearing is hereby authorized to exert all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That particular attention will be directed at said consolidated hearing to the following matters and questions:

1. Whether the statements of facts set forth above are true and accurate.

2. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to require that Pennsylvania restate its plant and investment, surplus, capital and other accounts pursuant to section 15 (f) of the Public Utility Holding Company Act of 1935 and rules thereunder so as to segregate, dispose of, and eliminate write-ups and intangibles in the plant and investment accounts, set up adequate reserves for retirements and depreciation of plant and property, and make other adjustments in conformance with the Uniform System of Accounts of the Federal Power Commission and the standards of the Act.

3. Whether it is necessary or appropriate to enter an order pursuant to section 12 (c) of the Act prohibiting or restricting the declaration or payment by Pennsylvania of any dividends on its common stock, in order to protect the financial integrity or safeguard the working capital of Pennsylvania (particularly in the light of the requirements for National Defense capacity referred to above) or to prevent the payment of dividends out of capital or unearned surplus, or to prevent the circumvention of the provisions of the Act or the rules, regulations, or orders thereunder.

4. Whether, for the purpose of fairly and equitably distributing voting power among the security holders of Pennsylvania pursuant to the provisions of section 11 (b) (2) of the Act, it is necessary or appropriate to require that Pennsylvania shall revise and simplify its capital structure and take other steps to fairly and equitably redistribute voting power among its security holders.

It is further ordered, in the interest of expeditious procedure that all evidence with respect to Pennsylvania Power & Light Company, Lehigh Power Securities Corporation and National Power & Light Company, contained in the record of the proceeding entitled "In the Matter of Electric Bond and Share Company, et al. File No. 59–12." so far as relevant to the issues above stated shall be incorporated in the record of the proceeding herein ordered, and shall be regarded as evidence duly adduced in the present proceeding, subject to the same objections and exceptions preserved in the record of the proceeding in which first introduced.

It is further ordered, That upon the convening of the hearing above ordered, the respondents shall show cause why the Commission shall not forthwith enter an order prohibiting the declaration or payment of further dividends on the common stock of Pennsylvania as violative of section 12 (c) of the Public Utility Holding Company Act of 1935 and rules thereunder; such order to be effective until termination of the proceeding herein ordered and final determination of the issues stated above.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–5432; Filed, July 28, 1941; 11:19 a. m.]

[File No. 70–330]

IN THE MATTER OF NORTHERN STATES POWER COMPANY (MINNESOTA)

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of July, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than July 29, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Applicant proposes to acquire from the Village of Sartell, Benton County, Minnesota, an electric distribution system and electric street lighting facilities therein located for the sum of $1,000 to be paid in cash; applicant also proposes to acquire from Sartell Brothers Company an electric distribution system located in the Village of Sartell for the sum of $1,500 to be paid in cash; applicant also proposes to acquire from Northern Natural Gas Company certain gas distribution facilities for the sum of $1.00.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–5433; Filed, July 28, 1941; 11:19 a. m.]

[File No. 812–160]

IN THE MATTER OF COCA-COLA INTERNATIONAL CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of July, A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940, for an order of exemption from said Investment Company Act:

It is ordered, That a hearing on the application of the above named applicant under and pursuant to section 6 (c) of said Investment Company Act be held on August 6, 1941, at 2:00 o'clock in the afternoon of that day in Room 1101 of the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C.

It is further ordered, That Willis E. Monty, Esq., or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–5434; Filed, July 28, 1941; 11:20 a. m.]

[File No. 70–362]

IN THE MATTER OF CITIES SERVICE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of July, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to

the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than July 31, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U–23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Applicants propose to acquire from the British Government or agents or representatives thereof not to exceed 7,000 shares of applicant's $6 Cumulative Preferred Stock of no par value. Applicants are requesting that the transaction be exempted from section 9 (a) of the Act pursuant to section 9 (c) (3) and are requesting an order of exemption pursuant to section 12 (c).

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–5435; Filed, July 28, 1941; 11:20 a. m.]